



# WASHINGTON COURTS

ADMINISTRATIVE OFFICE OF THE COURTS

TO: Washington Judicial Branch Stakeholders  
FROM: Ramsey Radwan  
SUBJECT: 2013-2015 Biennial Budget Request Presentations  
DATE: July 10, 2012

The Supreme Court Budget Committee invites you to the 2013-2015 biennial budget request presentation meetings that will be held on July 16, 2012, and July 18, 2012.

The meetings will be held in the Chief Justice's conference room at the Temple of Justice. Each meeting will begin at 9:00 a.m. and will end no later than 12:00 p.m. Parking is available in the non-reserved spots in the Governor's Mansion parking lot. The lot is just west of the Temple of Justice (see the attached map; the parking area is highlighted in yellow).

The purpose of these meetings is for all participants to gain a better understanding of each funding request; to increase awareness of the impact the funding, or lack thereof, would have on the public and the courts; and to provide an opportunity for the presenters to provide additional information as necessary.

The agendas and meeting materials can be found at [Supreme Court Budget Committee Meeting Materials](#).

Please feel free to contact me at [ramsey.radwan@courts.wa.gov](mailto:ramsey.radwan@courts.wa.gov) if you should have any questions.



Capitol Lake

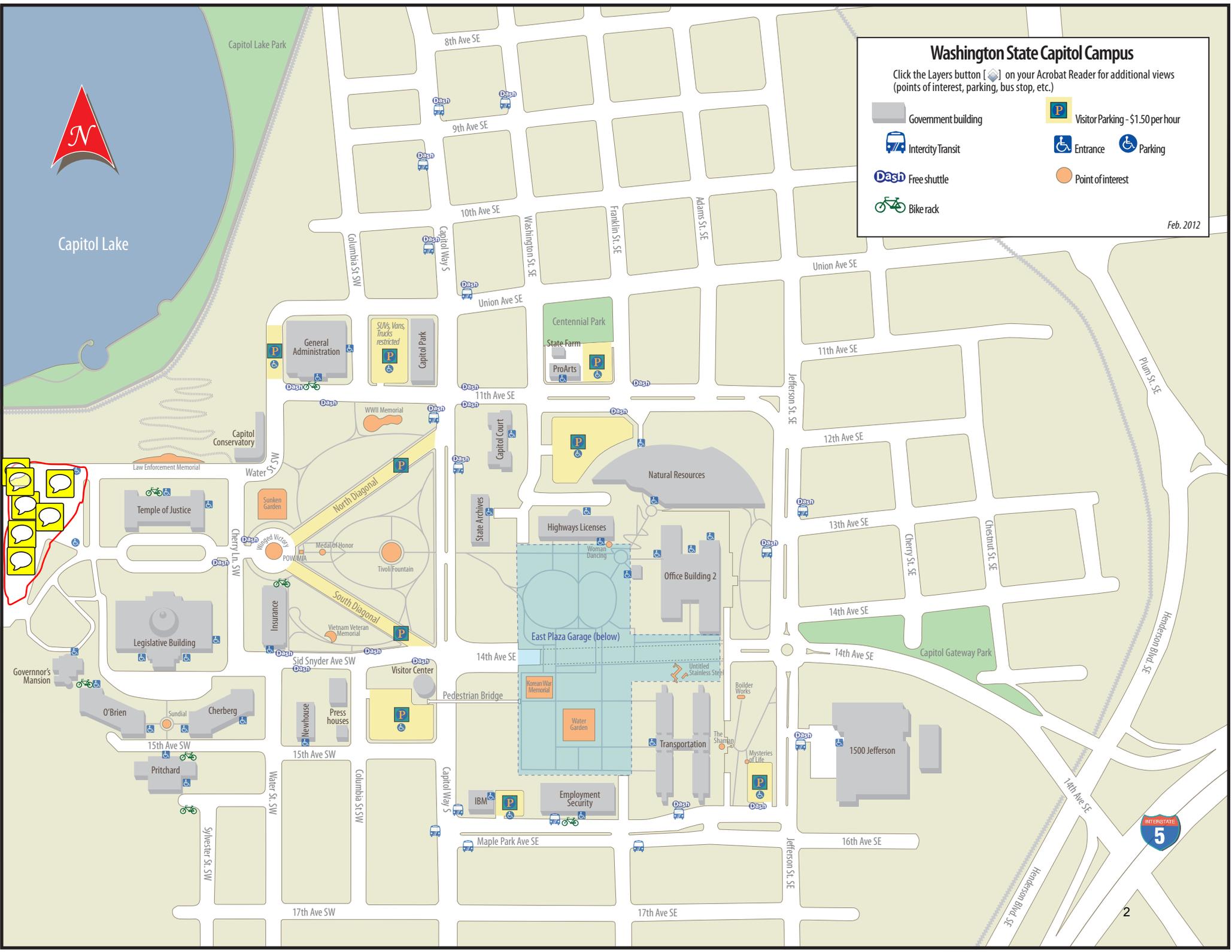
Capitol Lake Park

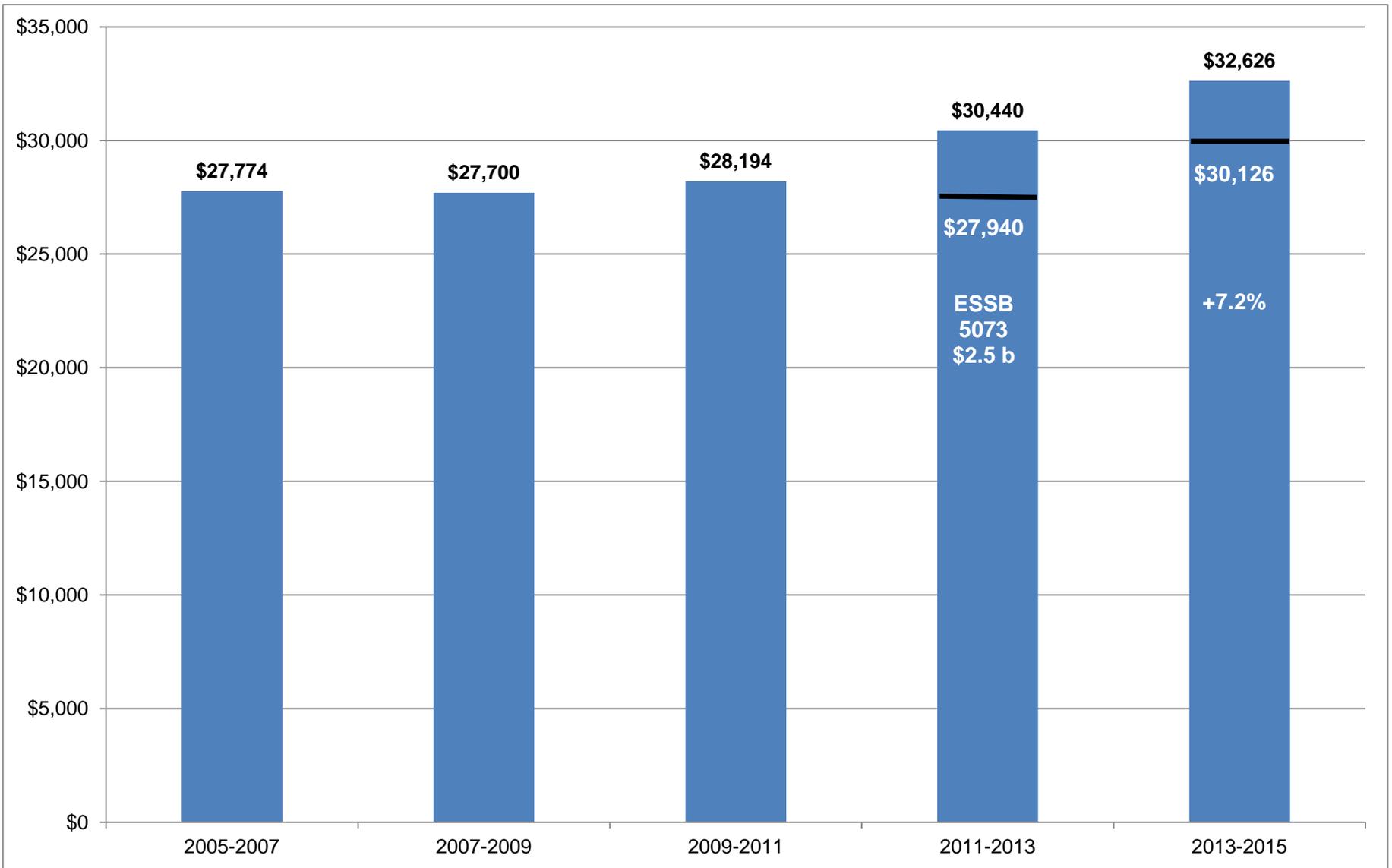
# Washington State Capitol Campus

Click the Layers button [ ] on your Acrobat Reader for additional views (points of interest, parking, bus stop, etc.)

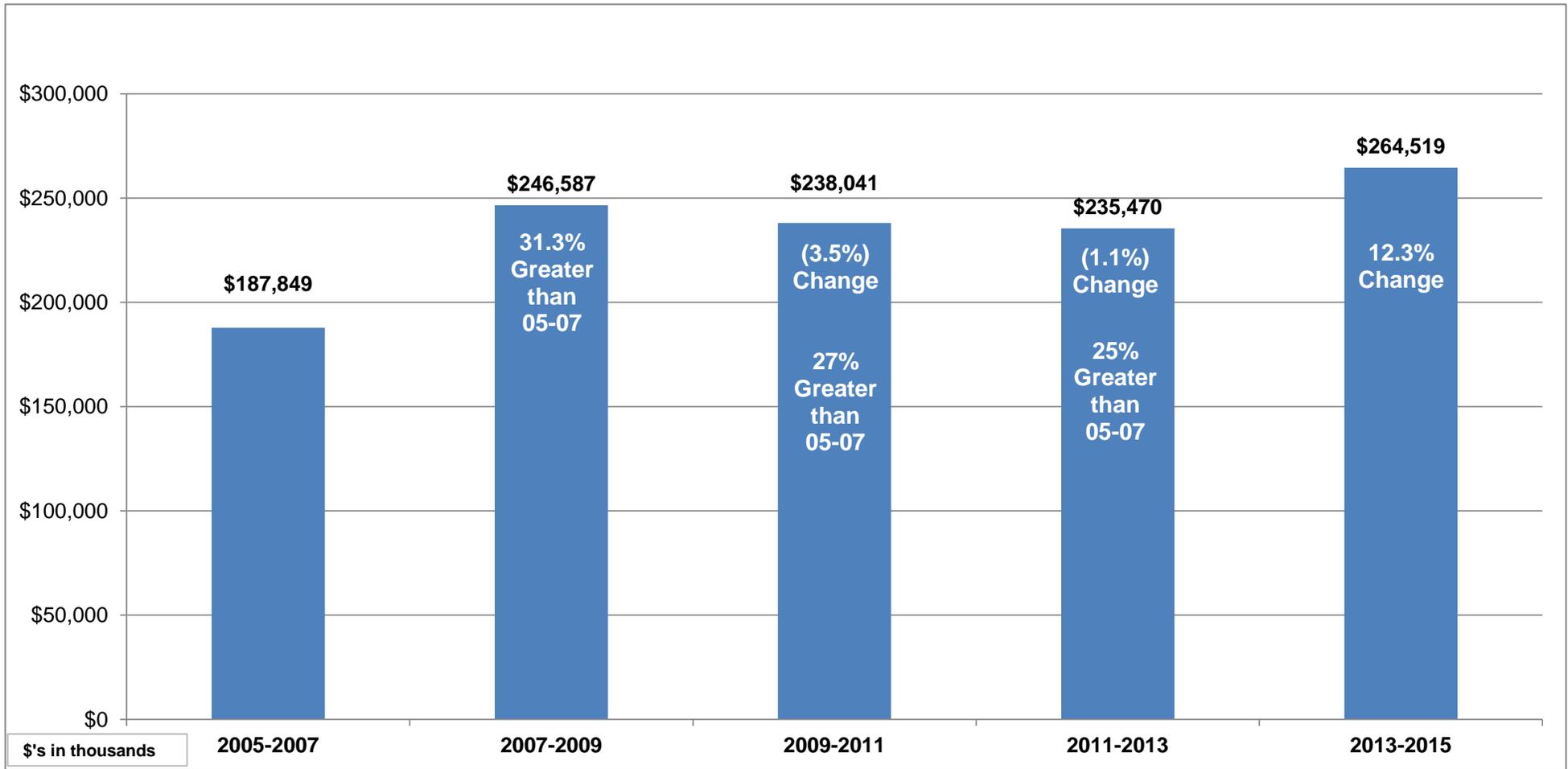
-  Government building
-  Intercity Transit
-  Dash Free shuttle
-  Bike rack
-  Visitor Parking - \$1.50 per hour
-  Entrance
-  Parking
-  Point of interest

Feb. 2012





<b>Potential Fund Source Issue</b>	
Judicial Stabilization Trust Account (JSTA)	
Admin. Office of the Courts	\$6,000
Office of Public Defense	\$4,400
Office of Civil Legal Aid	\$2,100
Total JSTA	\$12,500
Judicial Information System Account (JIS)	
Admin. Office of the Courts	\$6,000
Law Library	\$1,500
Total JIS	\$7,500
<b>Sub-Total Fund Source Issue</b>	<b>\$20,000</b>
<b>Potential Budget Reduction</b>	
State General Fund Deficit	
Statewide*	\$1,519,000
Judicial Branch Share	\$10,633
<b>Total Potential Funding Concerns</b>	<b>\$30,633</b>
* The estimated deficit in NOT official, it is merely an estimate.	
Dollars in thousands (000)	





**WASHINGTON  
COURTS**  
ADMINISTRATIVE OFFICE OF THE COURTS

# Supreme Court Budget Committee

Monday, July 16, 1012

9:00 a.m. to 12:00 p.m.

Chief Justice's Reception Room

Temple of Justice

Olympia, Washington

**TO LISTEN TO PRESENTATIONS: (360) 407-3780, PIN 779729 #**

<b>9:00 a.m.-9:30 a.m.</b>	<b>Introduction</b>	
	Overview of process and materials Overview of statewide revenue, branch concerns and expenditure history Questions	Mr. Ramsey Radwan
<b>9:30 a.m. – 11:30 a.m.</b>	<b>Trial Court Operations Funding Committee &amp; Other Requests</b>	
	Opening Remarks	Judge Harold Clarke
	Interpreter Packages (four)	Judge Deborah Fleck Judge Craig Matheson Judge Sara Derr
	CASA and FJCIP Restoration Packages (two)	Judge Deborah Fleck Judge Craig Matheson
	Break	
	Salaries for Judges Courts of Limited Jurisdiction	Judge Patrick Burns Judge Sarah Derr
	Therapeutic Court Coordinator	Judge Harold Clarke
	Quality Assurance (WAJCA and SCJA Request)	Judge Craig Matheson Ms. Bonnie Bush
<b>11:30 a.m. – 12:00 p.m.</b>	<b>Closing comments and questions</b>	

Persons with disabilities requiring accommodation may contact Jan Nutting at [jan.nutting@courts.wa.gov](mailto:jan.nutting@courts.wa.gov) to discuss assistance needed. While notice 5 days prior to the event is preferred, every effort will be made to provide accommodation when requested.

July 16, 2012 Presentation:

**2013-2015 Administrative Office of the Courts Biennial Budget Request**

	<u>GF</u>	<u>JST</u>	<u>JIS</u>	<u>Total</u>
<b>2013-2015 Draft Carry Forward and Maintenance Level</b>	<b>\$102,257,000</b>	<b>\$5,954,000</b>	<b>\$0</b>	<b>\$108,211,000</b>
<b>Rounded (000)</b>				
<b>Requests-State General Fund</b>				
<b>Policy Level</b>				
Interpreter Restoration	\$680,000	\$0	\$0	\$680,000
Interpreter Services for Court Managed Functions	\$1,232,000	\$0	\$0	\$1,232,000
Expand Interpreter Program	\$3,864,000	\$0	\$0	\$3,864,000
Video Remote Interpretation	\$384,000	\$0	\$0	\$384,000
CASA Restoration	\$1,242,000	\$0	\$0	\$1,242,000
Family & Juvenile Court Improvement Plan Restoration	\$310,000	\$0	\$0	\$310,000
Increase State's Contribution to CLJ Judges' Salaries	\$6,269,000	\$0	\$0	\$6,269,000
Therapeutic Court Coordinator	\$184,000	\$0	\$0	\$184,000
Quality Assurance Consolidation-Juvenile Court	\$1,336,000	\$0	\$0	\$1,336,000
<b>Total Policy Level Requests</b>	<b>\$15,501,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$15,501,000</b>
<b>% by Fund</b>	<b>15.16%</b>	<b>0.00%</b>	<b>0.00%</b>	<b>14.32%</b>
<b>Total 13-15 Biennium</b>	<b>\$117,758,000</b>	<b>\$5,954,000</b>	<b>\$0</b>	<b>\$123,712,000</b>

WASHINGTON STATE JUDICIAL BRANCH  
2013-2015 BIENNIAL BUDGET REQUEST

**Detailed Decision Package**

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**Agency:** Administrative Office of the Courts  
**Decision Package Title:** Restore Interpreter Program Funding  
**Budget Period:** 2013-2015 Biennial Budget Request  
**Budget Level:** Policy Level

**Recommendation Summary Text**

The administration of justice requires clear communication in the courtroom, and using properly credentialed interpreters is imperative in cases involving people who are hearing impaired or have limited English proficiency. Using state funds allocated by the 2007 Legislature, the Administrative Office of the Courts developed an effective program to improve the quality of interpreting, reduce costs at the local level, and improve state and federal compliance for 52 superior, district and municipal courts. This request is to restore funding to its original level, in order to carry out the vision intended by the 2007 Legislature.

**Fiscal Detail**

<b>Operating Expenditures</b>		<b><u>FY 2014</u></b>		<b><u>FY 2015</u></b>		<b><u>Total</u></b>
<b>001-1 General Fund-State</b>		\$ 340,000		\$ 340,000		\$ 680,000
<b>Staffing</b>						
		<b><u>FY 2014</u></b>		<b><u>FY 2015</u></b>		<b><u>Total</u></b>
<b>FTEs</b>		0		0		0

**Package Description**

**Introduction**

State and federal laws require Washington courts to provide meaningful access to court proceedings and court services for persons who are hearing impaired or have limited English proficiency. Failure to provide clear, concise interpretation denies these individuals that opportunity, leading to mistrust, confusion, administrative inefficiencies and potentially incorrect judicial orders and verdicts.

According to the U.S. Census the number of foreign-born, limited English proficient (LEP) persons age 5 and older in Washington increased by 50.1% between 2000 and 2010 from 279,497 to 419,576. This shift in Washington's population has directly

impacted local courts resources, and their ability to fund state and federal requirements to provide interpretation services.

### **Legal Obligations**

RCW Chapters 2.42 and 2.43 prescribe the requirements for providing court interpreter services in Washington. RCW 2.42.120 requires courts to pay sign language interpreter costs for all court proceedings for parties, witnesses and parents of juveniles, court-ordered programs or activities, and communication with court-appointed counsel. RCW 2.43.030 compels courts to "... use the services of only those language interpreters who have been certified by the administrative office of the courts..." when appointing interpreters to assist LEP litigants and witnesses during legal proceedings. RCW 2.43.040 instructs courts to pay all interpreting costs in criminal cases, mental health commitment proceedings, and all other legal proceedings initiated by government agencies. It further requires courts to pay all interpreting costs in civil matters for LEP persons who are indigent.

Additionally, courts that are direct or indirect recipients of federal funding are obligated to meet higher standards of ensuring language access to the LEP public. These courts are required to take reasonable steps to meet standards established by Title VI of the 1964 Civil Rights Act by ensuring language access, including providing and paying for interpreters, in all case types regardless of the party's indigency status. Failure to do so may result in the withdrawal of federal funds by the U.S. Department of Justice.

### **History of State Funding**

The 2007 Legislature recognized the increased financial demand faced by local courts to ensure language access for hearing impaired and LEP communities, and allocated \$1.9 million to the Administrative Office of the Courts (AOC) for purposes of passing that funding along to local courts. The AOC in turn developed an effective program to improve the quality of interpreting, reduce costs at the local level, and improve compliance with state and federal requirements. However, the funding was only sufficient for fifty-two superior, district and municipal courts.

After nearly five years of implementation, these funds transformed court interpreter services for those counties. Because reimbursement eligibility requires hiring credentialed court interpreters and paying them fair market rates, the Washington courts and communities have received higher quality interpreting services. Participating courts submit data on their interpreter usage to the AOC, which helps identify language needs, actual costs, and geographic trends. The 50% cost-sharing requirement, rather than a "blank check" approach, encourages participating courts to implement cost-saving and quality-ensuring practices such as web-based scheduling, multi-court payment policies, grouping of interpreter cases, and sharing of staff interpreters.

### **Funding Levels**

In 2007, the Washington Judiciary asked the Legislature for \$7.8 million for 2007 – 2009 biennium, to provide 50% reimbursement for the cost of court interpreters statewide. In response the Legislature appropriated \$1.9 million in pass-through money to the courts.

This money was designed to be used in assisting courts develop and implement Language Access Plans, as well as offset 50% of interpreter expenses.

Due to recent extraordinary fiscal environment, the LAP funding was eliminated, and the reimbursement funds dropped to \$1,221,004. This represents a decrease of 36% in language access funding. While the program has continued in light of these cuts, the funding only lasts approximately seven months each year. In FY2010 and FY2011, the amount of interpreter expenditures qualifying for reimbursement totaled \$2,319,761. Restoration of original funding levels would bring us much closer to funding the participating courts as originally envisioned.

**Narrative Justification and Impact Statement:**

**This package contributes to the Judicial Branch Principal Policy Objectives as noted below.**

**Fair and Effective Administration of Justice in All Civil and Criminal Cases.**

***Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.***

Judicial officers cannot effectively preside over proceedings involving hearing impaired or limited English proficient (LEP) parties, witnesses or participants without being able to accurately communicate with them. Public trust and confidence in the courts begins, at a minimum, with the public being able to effectively access and participate in the judicial process. Such participation is not possible for hearing impaired and LEP individuals without quality interpretation services.

***Accessibility. Washington courts, court facilities and court systems will be open and accessible to all participants regardless of cultural, linguistic, ability-based or other characteristics that serve as access barriers.***

Court proceedings are not accessible to hearing impaired persons or LEP persons who are provided sub-standard interpreting services. Further, LEP individuals who are required to pay interpreter expenses for civil matters such as child support, domestic violence protection and housing evictions, may simply not even attempt to resolve their issues in the courts due to the costs involved.

***Commitment to Effective Court Management. Washington Courts will employ and maintain systems and practices that enhance effective court management.***

Efficient and effective court interpreter management requires implementation of practices and policies which save money, yet ensure high quality language access. Courts involved with the state reimbursement program have taken substantial steps to modify their interpreter scheduling and payment practices to achieve better economies of scale, sharing of resources, and collaborating with neighboring courts.

## **Measure detail**

### **Impact on clients and services.**

With restored State funding, participant courts will be able to sustain the progress they have made in recent years. They will continue to use the most highly qualified court interpreters, and pay interpreter competitive market rates.

### **Impact on other state programs.**

None.

### **Relationship to Capital Budget.**

None.

### **Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan.**

None.

### **Alternatives explored**

The AOC has worked closely with participant courts to economize their interpreter expenses. Examples include:

- Grouping of interpreter cases to reduce the number of instances that interpreters of a given language are called back to court;
- Implementing court interpreter contracts, which pay interpreters lower hourly rates, but ensure predictable blocks of work time;
- Collaborating with neighboring courts to share interpreter work time and expenses; and
- Hiring staff interpreters.

While these efforts have helped to reduce interpreter expenditures, the rise in interpreter demands has offset the savings incurred.

### **Distinction between one-time and ongoing costs and budget impacts in future biennia.**

These are ongoing costs.

### **Effects of non-funding.**

Trial courts participating in the reimbursement program will continue to shoulder more of the costs associated with court interpreter expenses. In addition, some may opt to eliminate themselves from the program. Prior to program implementation, courts paid lower hourly rates for interpreting services. This program is designed for courts to pay higher hourly interpreter rates, receive higher quality services, and ultimately spend less local money because of the State's contribution. As the State's contribution continues to shrink, it will be more cost-effective for courts to eliminate participation, return to their lower hourly rates, and receive less qualified interpreting services.

**Expenditure calculations and assumptions**

In 2007 the Legislature appropriated \$1.9 million to the Administrative Office of the Courts to be designated as pass-through dollars, helping courts improve their language access services. Since then, trial court funding has decreased to \$1,221,004 for the FY2011-2013 biennium. This represents a reduction of \$680,00.

<b><u>Object Detail</u></b>	<b><u>FY2014</u></b>	<b><u>FY2015</u></b>	<b><u>Total</u></b>
Staff Costs	\$ 0	\$ 0	\$ 0
Non-Staff Costs	\$340,000	\$340,000	\$680,000
<b>Total Objects</b>	<b>\$340,000</b>	<b>\$340,000</b>	<b>\$680,000</b>

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WASHINGTON STATE JUDICIAL BRANCH  
2013-2015 BIENNIAL BUDGET REQUEST

**Detailed Decision Package**

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**Agency:** Administrative Office of the Courts  
**Decision Package Title:** Interpreter Services  
**Budget Period:** 2013-2015 Biennial Budget Request  
**Budget Level:** Policy Level

**Recommendation Summary Text**

Access to full use of our courts requires clear lines of communication both inside and outside the courtroom. When persons with limited English proficiency are scheduled for proceedings, prearrangements are made for interpreting services. However, in-person interpreting is not typically available for the many instances when individuals call or visit the courts to file paperwork, pay fines, or request information. This proposal is to obtain state funding to offset 50% of the costs associated by on-demand telephonic interpretation to ensure that language is not a barrier from full participation in court services.

**Fiscal Detail**

<b>Operating Expenditures</b>	<b><u>FY 2014</u></b>	<b><u>FY 2015</u></b>	<b><u>Total</u></b>
<b>001-1 General Fund-State</b>	<b>\$ 616,000</b>	<b>\$ 616,000</b>	<b>\$ 1,232,000</b>
<b>Staffing</b>			
	<b><u>FY 2014</u></b>	<b><u>FY 2015</u></b>	<b><u>Total</u></b>
<b>FTEs</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Package Description**

**Introduction**

State and federal laws require Washington courts to provide meaningful access to court proceedings and court services for persons who have limited English proficiency. Failure to provide clear, concise interpretation denies these individuals that opportunity, leading to mistrust, confusion, administrative inefficiencies and potentially incorrect judicial orders and verdicts.

According to the U.S. Census the number of foreign-born, limited English proficient (LEP) persons age 5 and older in Washington increased by 50.1% between 2000 and 2010 from 279,497 to 419,576. This shift in Washington's population has directly

impacted local courts resources, and their ability to fund state and federal requirements to provide interpretation services.

### **Legal Obligations**

RCW Chapter 2.43.10 identifies the legislative intent for ensuring language access:

*“It is hereby declared to be the policy of this state to secure the rights, constitutional or otherwise, of persons who, because of a non-English speaking cultural background, are unable to readily understand or communicate in the English language, and who consequently cannot be fully protected in legal proceedings unless qualified interpreters are available to assist them.”*

In 2007, the Legislature enacted specific standards instructing each trial court to develop language assistance plans which address the provision of language access both inside and outside of the courtroom. Such plans shall include “a process for providing timely communication with non-English speakers by all court employees who have regular contact with the public and meaningful access to court services, including access to services provided by the clerk’s office.” RCW 2.43.090 (1)(d).

Meaningful access to all court program and activities, both inside and outside the courtroom, is also required by the U.S. Department of Justice for indirect and direct recipients of federal funding. Non-compliance with federal standards may result in the withdrawal of federal funding. As stated by Thomas E. Perez, Assistant Attorney General, in an August 26, 2010 letter addressed to all chief justices and state court administrators,

*“Some states provide language assistance only for courtroom proceedings, but the meaningful access requirement extends to court functions that are conducted outside the courtroom as well... Access to these points of public contact is essential to the fair administration of justice, especially for unrepresented LEP persons. DOJ expects courts to provide meaningful access for LEP persons to such court operated or managed points of public contact in the judicial process, whether the contact at issue occurs inside or outside the courtroom.”*

### **Current Situation**

Currently, courts regularly provide interpreting during legal proceedings, and in some instances the interpreters are available to interpret for litigants outside of the courtroom when interacting with staff. In rare situations, courts may have bilingual staff able to provide direct services in a language other than English. In most situations, however, customers call or come to court on an unscheduled basis, and the court has no advance warning when interpreting is needed for LEP persons. In these cases, courts frequently ask the LEP persons to return with friends or family members to act as interpreters. Since these family members are untrained and untested, it is questionable how accurately they understand and interpret the information, and whether their personal

biases infuse the communication. Similarly, given the sensitive nature of why many people access the courts, persons (e.g. domestic violence victims) may face scrutiny or shame in asking acquaintances to serve as their interpreters.

### **Description of Program**

This request is to obtain state funding to offset 50% of the local cost for contracted telephonic interpreting services for non-courtroom interactions. The State of Washington administers contracts with national telephonic interpreting companies, and all trial courts are eligible to obtain services at these rates. Participant courts will enter into contracts with the Administrative Office of the Courts for reimbursement of telephonic interpreting costs for court interactions outside of courtroom proceedings. Courts will submit appropriate invoices to the AOC Court Interpreter Program detailing their telephonic interpreting usage, and qualifying expenses will be reimbursed at 50%. Data will be submitted electronically, so that the AOC can track statewide trends for telephonic interpreting based on court location and language.

### **Narrative Justification and Impact Statement**

- **This package contributes to the Judicial Branch Principal Policy Objectives as noted below.**

#### **Fair and Effective Administration of Justice in All Civil and Criminal Cases.**

***Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.***

Public trust and confidence in the courts begins, at a minimum, with the public being able to effectively access and participate in the judicial process. Such participation is not possible for LEP individuals without quality interpretation services. Full access to court services and effective management of court cases require communication between litigants and court staff outside of the courtroom.

***Accessibility. Washington courts, court facilities and court systems will be open and accessible to all participants regardless of cultural, linguistic, ability-based or other characteristics that serve as access barriers.***

With the majority of court staff, services, websites and documents being provided in English only, LEP individuals have limited opportunity to access court services. Further, LEP individuals who are required to bring their own family or friends to interpret risk preserving accuracy in communication, or may be hindered due to the sensitive nature of the matters leading them to court.

***Commitment to Effective Court Management. Washington courts will employ and maintain systems and practices that enhance effective court management.***

On-demand telephonic interpreting services will assist court staff in more effectively serving the LEP public, and processing their cases. Interpretation from objective language experts will avoid confusion or misunderstandings, and ensure that parties are informed of their rights and responsibilities.

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## **Measure detail**

- **Impact on clients and services.**  
If adequate funding is provided, many, if not all courts will discontinue the practice of relying on LEP persons to bring family or friends to interpret.
- **Impact on other state programs.**  
None.
- **Relationship to Capital Budget.**  
None.
- **Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan.**  
None.
- **Alternatives explored**  
With limited budgets, courts must currently prioritize the use of limited interpreting funds. Priorities lie with in-person courtroom interpretation.
- **Distinction between one-time and ongoing costs and budget impacts in future biennia**  
Telephonic interpreter funding will be an ongoing cost, fluctuating based on immigration trends in the Washington population.
- **Effects of non-funding.**  
Courts will continue to provide interpreting services when possible, but prioritization of resources will remain focused on courtroom proceedings. The absence of structure for ensuring interpretation in non-courtroom services will run afoul of both state and federal requirements.
- **Expenditure calculations and assumptions and FTE assumptions**  
The average per minute cost with these companies is \$.90, and may vary based on the language. In the majority of requested languages, the companies will connect the requester with an interpreter upon demand.

Currently there are approximately 15,200 cases in Washington courts which have an interpreter assigned to them. It is estimated that each litigant for each case will have an average of nine encounters at non-courtroom related operations, such as calling the court with questions, setting up payment plans, completing forms or other paperwork, meeting with facilitators, etc. These conversations typically last 5 minutes, but when are interpreted, take at least twice the amount of time. The anticipated full annual cost for telephonic interpreting is \$1,231,200:

15,200 cases x 9 encounters x 10 minutes x \$.90/minute = \$1,231,200

With a 50% State reimbursement component, this would also constitute the full amount needed for the biennium. The amounts have been rounded up to the nearest thousand.

<b><u>Object Detail</u></b>	<b><u>FY2014</u></b>	<b><u>FY2015</u></b>	<b><u>Total</u></b>
Staff Costs	\$ 0	\$ 0	\$ 0
Non-Staff Costs	\$616,000	\$616,000	\$1,232,000
<b>Total Objects</b>	<b>\$616,000</b>	<b>\$616,000</b>	<b>\$1,232,000</b>

DRAFT

WASHINGTON STATE JUDICIAL BRANCH  
2013-2015 BIENNIAL BUDGET REQUEST

**Detailed Decision Package**

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**Agency:** Administrative Office of the Courts  
**Decision Package Title:** Expand Interpreter Program  
**Budget Period:** 2013-2015 Biennial Budget Request  
**Budget Level:** Policy Level

**Recommendation Summary Text**

The administration of justice requires clear communication in the courtroom, and using properly credentialed interpreters is imperative in cases involving people who are hearing impaired or have limited English proficiency. Using state funds allocated by the 2007 Legislature, the Administrative Office of the Courts developed an effective program to improve the quality of interpreting, reduce costs at the local level, and improve state and federal compliance for 52 superior, district and municipal courts. This request is to expand upon the success of that limited program and expand it to all trial courts, in order to carry out the vision intended by the 2007 Legislature.

**Fiscal Detail**

<b>Operating Expenditures</b>	<b><u>FY 2014</u></b>	<b><u>FY 2015</u></b>	<b><u>Total</u></b>
<b>001-1 General Fund-State</b>	<b>\$ 1,932,000</b>	<b>\$ 1,932,000</b>	<b>\$ 3,864,000</b>
<b>Staffing</b>			
	<b><u>FY 2014</u></b>	<b><u>FY 2015</u></b>	<b><u>Total</u></b>
<b>FTEs</b>	<b>.5</b>	<b>.5</b>	<b>.5</b>

**Package Description**

**Introduction**

State and federal laws require Washington courts to provide meaningful access to court proceedings and court services for persons who are hearing impaired or have limited English proficiency. Failure to provide clear, concise interpretation denies these individuals that opportunity, leading to mistrust, confusion, administrative inefficiencies and potentially incorrect judicial orders and verdicts.

According to the U.S. Census the number of foreign-born, limited English proficient (LEP) persons age 5 and older in Washington increased by 50.1% between 2000 and

2010 from 279,497 to 419,576. This shift in Washington's population has directly impacted local courts resources, and their ability to fund state and federal requirements to provide interpretation services.

### **Legal Obligations**

RCW Chapters 2.42 and 2.43 prescribe the requirements for providing court interpreter services in Washington. RCW 2.42.120 requires courts to pay sign language interpreter costs for all court proceedings for parties, witnesses and parents of juveniles, court-ordered programs or activities, and communication with court-appointed counsel. RCW 2.43.030 compels courts to "... use the services of only those language interpreters who have been certified by the administrative office of the courts..." when appointing interpreters to assist LEP litigants and witnesses during legal proceedings. RCW 2.43.040 instructs courts to pay all interpreting costs in criminal cases, mental health commitment proceedings, and all other legal proceedings initiated by government agencies. It further requires courts to pay all interpreting costs in civil matters for LEP persons who are indigent.

Additionally, courts that are direct or indirect recipients of federal funding are obligated to meet higher standards of ensuring language access to the LEP public. These courts are required to take reasonable steps to meet standards established by Title VI of the 1964 Civil Rights Act by ensuring language access, including providing and paying for interpreters, in all case types regardless of the party's indigency status. Failure to do so may result in the withdrawal of federal funds by the U.S. Department of Justice.

### **History of State Funding**

The 2007 Legislature recognized the increased financial demand faced by local courts to ensure language access for hearing impaired and LEP communities, and allocated \$1.9 million to the Administrative Office of the Courts (AOC) for purposes of passing that funding to local courts to support language access costs. The AOC in turn developed an effective program to improve the quality of interpreting, reduce costs at the local level, and improve compliance with state and federal requirements. However, the funding was only sufficient for fifty-two superior, district and municipal courts representing ten counties.

After nearly five years of implementation, these funds transformed court interpreter services for those counties. Because reimbursement eligibility requires hiring credentialed court interpreters and paying them fair market rates, the Washington courts and communities have received higher quality interpreting services. Participating courts submit data on their interpreter usage to the AOC, which helps identify language needs, actual costs, and geographic trends. The 50% cost-sharing requirement, rather than a "blank check" approach, encourages participating courts to implement cost-saving and quality-ensuring practices such as web-based scheduling, multi-court payment policies, grouping of interpreter cases, and sharing of staff interpreters.

### **Funding Levels**

In 2007 the Washington Judiciary asked the Legislature for \$7.8 million for 2007 – 2009 biennium, to provide 50% reimbursement for the cost of court interpreters statewide. In response the Legislature appropriated \$1.9 million in pass-through money to the courts. This money was designed to be used in assisting courts develop and implement Language Access Plans, as well as offset 50% of interpreter expenses.

Due to recent extraordinary fiscal environment, the LAP funding was eliminated, and the reimbursement funds dropped to \$1,221,004. This represents a decrease of 36% in language access funding for participating local trial courts. While the program has continued in light of these cuts, the funding only lasts approximately seven months each year, and is clearly insufficient for expansion into additional trial courts.

### **Narrative Justification and Impact Statement:**

- **This package contributes to the Judicial Branch Principal Policy Objectives as noted below.**

**Fair and Effective Administration of Justice in All Civil and Criminal Cases.** *Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.*

Judicial officers cannot effectively preside over proceedings involving hearing-impaired or parties with limited English proficiency (LEP), witnesses or participants without being able to accurately communicate with them. Public trust and confidence in the courts begins, at a minimum, with the public being able to effectively access and participate in the judicial process. Such participation is not possible for hearing impaired and LEP individuals without quality interpretation services.

**Accessibility.** *Washington courts, court facilities and court systems will be open and accessible to all participants regardless of cultural, linguistic, ability-based or other characteristics that serve as access barriers.*

Court proceedings are not accessible to hearing impaired persons or LEP persons who are provided sub-standard interpreting services. Further, LEP individuals who are required to pay interpreter expenses for civil matters such as child support, domestic violence protection and housing evictions, may simply not even attempt to resolve their issues in the courts due to the costs involved.

**Commitment to Effective Court Management.** *Washington courts will employ and maintain systems and practices that enhance effective court management.*

Efficient and effective court interpreter management requires implementation of practices and policies which save money, yet ensure high quality language access. Courts involved with the state reimbursement program have taken substantial steps to modify their interpreter scheduling and payment practices to achieve better economies of scale, sharing of resources, and collaborating with neighboring courts.

### **Measure detail**

- **Impact on clients and services.**  
With the availability of State funding, more courts will be able to provide court interpreting expenses without cost to civil litigants. Similarly, courts will more easily be able to afford the higher costs associated with credentialed court interpreters, thereby improving the accuracy of communication in the courtroom.
- **Impact on other state programs.**  
None.
- **Relationship to Capital Budget.**  
None.
- **Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan.**  
None.
- **Alternatives explored**  
With limited budgets, courts must currently prioritize which hearing types they will provide interpreters at court expense. Therefore, courts continue to charge litigants for interpreter expenses in non-indigent civil matters, jeopardizing their federal funding for other court programs.
- **Distinction between one-time and ongoing costs and budget impacts in future biennia**  
Court interpreter funding will be an ongoing cost, fluctuating based on immigration trends in the Washington population.
- **Effects of non-funding.**  
Prior to program implementation, courts paid lower hourly rates for interpreting services. This program is designed for participant courts to pay higher hourly interpreter rates, receive higher quality services, and ultimately spend less local money because of the State's contribution. The rates paid by participant courts have greatly impacted courts not participating in the program, because interpreters now expect all trial courts to pay the same higher rates. Courts not in receipt of state funding are forced to either pay the higher hourly rates in order to ensure interpreting services, or risk losing interpreters to the program participant courts who pay higher amounts. Most Washington trial courts have increased their interpreter fees without increased revenues, thereby reducing funds for other court services.
- **Expenditure calculations and assumptions and FTE assumptions**  
In 2007 the Legislature appropriated \$1.9 million to the Administrative Office of the Courts to be designated as pass-through dollars, helping courts improve their language access services. Since then, trial court funding has decreased to \$1,221,004 for the FY2011-2013 biennium. This represents a reduction of \$678,996.

## **Expenditure Calculations and Assumptions**

The Administrative Office of the Courts does not have data on actual court interpreter expenditures for all Superior, District and Municipal trial courts. However, statewide costs can be extrapolated using known county-wide cost data for some counties, and projecting those costs onto other similarly situated counties using population rates.

**Population Data:** The 2010 U.S. Census shows the number of people who live in the U.S., but the Census administers an American Community Survey to show how people live. Among the items surveyed, they measure the number of limited English proficient (LEP) individuals in a given geographic region. It further distinguishes the general LEP population, from the LEP population age 5 and older who speak English less than “very well.” This latter group represents the individuals in need of interpreting services.

**Interpreter Cost Data:** The AOC has received court interpreter data from a variety of courts, and in some counties those courts make up all or the far majority of trial court services. The data reported by these counties illustrate that annual court expenditures total \$5,009,936. Those counties include the following:

- **Urban Counties:** Clark, King, Kitsap, Pierce, Snohomish and Spokane;
- **Rural Counties:** Chelan, Douglas, Grant, Jefferson, Mason and Okanogan; and
- **Rural Counties with at least one large city:** Benton-Franklin, Skagit and Yakima.

It is important to categorize these counties as urban, rural and rural with a city, because typically courts will pay greater costs for interpreter services when interpreters do not live nearby. Most credentialed court interpreters live in cities. By comparing LEP population from the American Community Survey to these county expenditures, calculations demonstrate that the cost for interpreter services in urban counties is \$11 per LEP individual in the general population, \$14 per LEP individual in rural counties, and \$12 per LEP individual in rural counties with at least one large city.

**Projections:** To project court interpreter costs in the remaining twenty-three counties, those counties are grouped as urban, rural, or rural with city. The \$11, \$14, and \$12 averages identified above are then multiplied by the number of LEP persons per county. For example, Kittitas County has an estimated LEP population of 1264. At an estimated rate of \$14 per LEP person in the county population, their projected annual court interpreter costs are \$17,696 ( $\$14 \times 1264$ ). The total projected cost for court interpreter expenses in these twenty-three counties is \$557,350.

Added to the actual costs, the total annual projected cost for court interpreter expenses in Washington is **\$5,567,286**.

**Adjustment for Qualifying Expenses:** The AOC Court Interpreter Reimbursement Program does not automatically reimburse participating courts for 50% of all interpreter expenses. Rather, as a means to help improve quality interpreting, and promote the use of experienced interpreters in the market, the BJA has established funding guidelines. When courts hire and pay interpreters per these guidelines, 50% of the expenses are reimbursed.

Not all courts comply with the funding guidelines in all instances. For example, courts may not always be able to use a court certified Arabic interpreter because only one Arabic interpreter is certified. However, between July 1, 2009 and June 30, 2011, participating courts showed that they met funding conditions in 88% of court interpreter encounters. In turn, this means that 44% of their total interpreter costs qualified for reimbursement, since the State pays only one-half of eligible expenses.

It is unrealistic to assume that all new courts joining the program would be able to ensure full compliance with program requirements in 100% of interpreter events. However, it is safe to assume that they will be similar to the participating courts and meet that requirement in an average of 88% of the encounters.

If all Washington courts participated in the reimbursement program, and if 44% of all expenses were eligible for reimbursement, the total annual cost would be \$2,499,606. For a biennium, the amount totals \$4,999,212. Given that the program is currently funded at \$1,221,004, **additional funding is needed in the amount of \$3,778,208.**

**Staff Time:** Managing the court interpreter reimbursement program at current levels requires a significant amount of staff time. Staff are used to develop and monitor contracts, evaluate and verify data that is reported, audit participating courts to ensure accuracy in reported numbers, and provide technical support to participating courts. Full expansion of the program will require additional staff than is currently available.

<u>Object Detail</u>	<u>FY2014</u>	<u>FY2015</u>	<u>Total</u>
Staff Costs	\$ 43,000	\$ 43,000	\$ 86,000
Non-Staff Costs	\$1,889,000	\$1,889,000	\$3,778,000
<b>Total Objects</b>	<b>\$1,932,000</b>	<b>\$1,932,000</b>	<b>\$3,864,000</b>

WASHINGTON STATE JUDICIAL BRANCH  
**2013-2015 BIENNIAL BUDGET REQUEST**  
**Detailed Decision Package**

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**Agency:** Administrative Office of the Courts  
**Decision Package Title:** Video Remote Interpretation  
**Budget Period:** 2013-2015 Biennial Budget Request  
**Budget Level:** Policy Level

**Recommendation Summary Text**

State and federal laws require Washington courts to provide meaningful access to courts and court services for persons who have limited English proficiency (LEP). Failure to provide clear, concise interpretation denies these individuals that opportunity, leading to mistrust, confusion, administrative inefficiencies and potentially miscarriage of justice.

Providing meaningful access in remote areas of the state is difficult. Likewise, providing interpreting for certain languages, where the state has a small number of available qualified interpreters, is challenging. Video remote interpreting (VRI) can remove these barriers to essential, accurate interpreting for unscheduled and scheduled communication with limited English proficiency court users.

**Fiscal Detail**

<b>Operating Expenditures</b>		<b><u>FY 2014</u></b>		<b><u>FY 2015</u></b>		<b><u>Total</u></b>
<b>001-1 General Fund-State</b>		<b>\$ 167,000</b>		<b>\$ 217,000</b>		<b>\$ 384,000</b>
<b>Staffing</b>						
		<b><u>FY 2014</u></b>		<b><u>FY 2015</u></b>		<b><u>Total</u></b>
<b>FTEs</b>		1		1		1

**Package Description:**

**Need**

Language access in state courts is a critical. For this reason, courts must be fully accessible to everyone, irrespective of their language ability.

RCW Chapter 2.43 prescribes the requirements for providing court interpreter services in Washington courts. Additionally, Executive Order 13166 issued in 2000, directed federal agencies to publish LEP guidance for recipients receiving federal funding. All subsequent technical assistance and guidance regarding language access issued by the Department of Justice (DOJ) have communicated DOJ's position that courts

receiving federal funding are required to take reasonable steps to provide oral interpretation to people who are limited English proficient in all proceedings and court operations in accordance with Title VI requirements for ensuring language access. In August 2010, in a letter to all chief justices and state court administrators, Assistant Attorney General Thomas E. Perez clarified the obligation of state courts receiving federal funding to provide language assistance services to people who are LEP in all proceedings and court operations.

To assist the court with its obligation, AOC established a court interpreter certification program to ensure availability of qualified language interpreters. Although this program has been quite successful, there continues to be a limited availability of interpreters in remote regions of the state, as well as limited interpreters in certain languages, such as Arabic. The limited availability of interpreters can result in court delays, continuances and increased costs when courts are forced to pay a premium to compensate interpreters for traveling long distances.

### **Solution**

This request is to fund a pilot project to implement centralized remote interpreting to overcome barriers to providing quality interpreting. Remote interpreting includes telephone interpreting and integrated audio/video interpreting.

Telephone interpreting can be accomplished with a standard telephone line attached to a state-of-the-art sound system (see Figure 1). Remote integrated audio/video interpreting utilizes several technologies including a state of the art sound system, a standard telephone line, headsets with attached microphone, personal computers, high speed internet and cameras (see Figure 2).



**Figure 1 - Interpreting Remotely — The Interpreter presses a number on the telephone keypad to control who hears her voice.**



Figure 2 - Integrated Audio/Video Remote Interpreting.

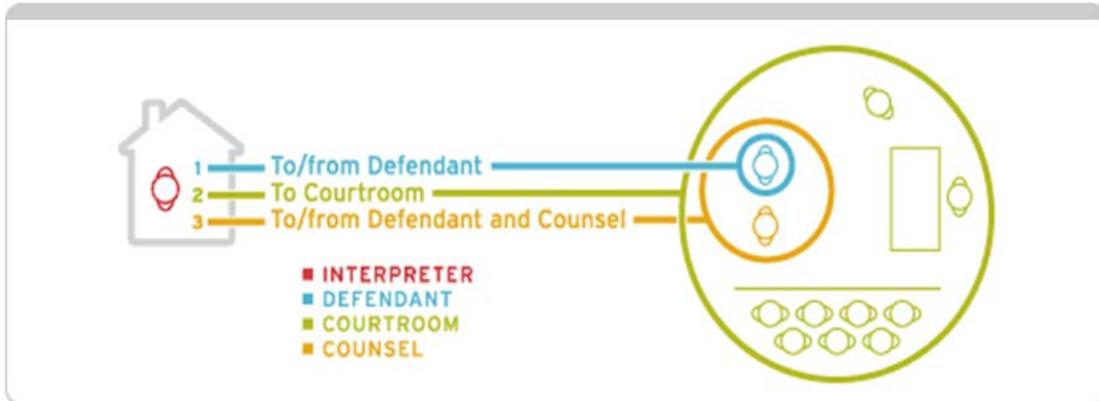


Figure 3 - Illustrates Flow of Communication during Interpreting.

This request will fund the Video Remote Interpreting (VRI) equipment purchase, installation, and maintenance, as well as providing training necessary to use the equipment. The request will also fund one bilingual full-time Court Program Analyst to draft business procedures, coordinate VRI services, provide back-up telephonic and video interpreting and obtain, review and evaluate data.

## **Narrative Justification and Impact Statement**

This package contributes to the Judicial Branch Principle Policy Objectives as noted below.

**Fair and Effective Administration of Justice in All Civil and Criminal Cases.** *Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.*

Trial courts have an obligation to provide meaningful language access despite barriers caused by distance and limited interpreter availability. VRI provides an opportunity to overcome these barriers and efficiently and effectively provide court access to LEP court users in both criminal and civil cases pursuant to DOJ guidance and state and federal laws.

**Accessibility.** *Washington courts, court facilities and court systems will be open and accessible to all participants regardless of cultural, linguistic, ability-based or other characteristics that serve as access barriers.*

This use of VRI illustrates the courts commitment to making state courts fully accessible to everyone, by removing communication barriers caused by national origin and language ability. This project will encourage the use of qualified language interpreters in all court interactions.

**Commitment to Effective Court Management.** *Washington courts will employ and maintain systems and practices that enhance effective court management.*

In instances where VRI is used scheduling proceedings and interpreters will be enhanced. The ability to provide an interpreter on demand, decreases court disruption and allows interactions to occur quickly and smoothly without the cost burden caused by on-site interpreting.

**Appropriate Staffing and Support.** *Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported.*

VRI ensures that qualified certified or registered interpreters are used for all court interaction. VRI effectively addresses the lack of available interpreters due to geographic barriers or a small number of qualified interpreters in certain languages. VRI may reduce and/or eliminate the need to use noncertified or registered interpreters.

## **Measure Detail**

### **Impact on Clients and Services.**

VRI benefits court users and the courts. It increases access for LEP persons, reduces court disruption and the cost burden associated with on-site interpreting, including travel costs, costs incurred scheduling two-hour minimums when less interpreting time is needed including when defendants fail to appear for scheduled proceedings.

**Impact on Other State Programs.**

None

**Relationship to Capital Budget.**

None

**Required Changes to Existing Court Rule, Court Order, RCW, WAC, Contract, or Plan.**

Several court rules may require revision after the pilot project has been completed and VRI is a proven method available to courts statewide. During the pilot, the Supreme Court can issue a court order exempting the pilot from existing court rules.

Superior Court Criminal Rule 3.4 states that video conferences may be held on criminal cases in which all participants can simultaneously see, hear, and speak with each other, and; such proceedings shall be deemed held in open court and in the defendant's presence for the purposes of any statute, court rule or policy. It further states that all video conference hearings conducted pursuant to the rule shall be public, and the public shall be able to simultaneously see and hear all participants and speak as permitted by the trial court judge.

In addition, Superior Court Civil Rule 3.4 states that in interpreted proceedings, the interpreter must be located next to the defendant and the proceeding must be conducted to assure that the interpreter can hear all participants.

**Alternatives Explored.**

In the '80s, AOC established a court interpreting certification program to train and certify court interpreters. The program has been successful, but the growing need for interpreter services along with the barriers posed by distance have made it impossible to keep up with demand. VRI and other technologies are needed to bridge the gap.

**Distinction Between One-time and Ongoing Costs and Budget Impacts in Future Biennia.**

The non-staff costs represent a one-time purchase of VRI equipment. Ongoing salary costs will impact future biennia as will maintenance of the equipment.

**Effects of Non-funding.**

If this proposal isn't funded, the court will struggle to satisfy its obligation to provide meaningful access to court for LEP persons. If the court doesn't satisfy its obligation, it could face penalties from DOJ.

## **Expenditure Calculations and Assumptions**

<b><u>Object Detail</u></b>	<b><u>FY2014</u></b>	<b><u>FY2015</u></b>	<b><u>Total</u></b>
Staff Costs	\$ 92,000	\$ 92,000	\$184,000
Non-Staff Costs	\$ 75,000	\$125,000	\$200,000
<b>Total Objects</b>	<b>\$167,000</b>	<b>\$217,000</b>	<b>\$384,000</b>

### **Staff Costs.**

1 Senior Court Program Analyst, level 62: \$92,000 including salary and benefits.

### **Non-Staff Costs.**

This is an estimate for what it will take to design, engineer and build a complete courtroom video remote interpretation system from the ground up. The audio system shall be completely integrated into the court room microphones and speakers. The video system will be on a portable cart with a video monitor and a video conferencing system that will connect into the main system of the court room but can be rolled out of the court room when not needed.

DRAFT

WASHINGTON STATE JUDICIAL BRANCH  
2013-2015 BIENNIAL BUDGET REQUEST  
Detailed Decision Package

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**Agency:** Administrative Office of the Courts  
**Decision Package Title:** Restoration of CASA Funding  
**Budget Period:** 2013-2015 Biennial Budget Request  
**Budget Level:** Policy Level

**Recommendation Summary Text**

Court Appointed Special Advocate (CASA) volunteers are community volunteers who are appointed by judges to advocate in court for abused and/or neglected children.

Prior to 2009, the total amount distributed to support local CASA programs via the Administrative Office of the Courts was \$7,332,000 per biennium. This amount was distributed through a funding formula based on average active dependency caseloads. Due to legislatively imposed budget reductions to AOC, CASA funding was reduced in the amount of \$1,242,000.

**Fiscal Detail**

Operating Expenditures	FY 2014	FY 2015	Total
<b>001-1 General Fund-State</b>	<b>\$621,000</b>	<b>\$621,000</b>	<b>\$1,242,000</b>
<hr/>			
Staffing	FY 2014	FY 2015	Total
<b>FTEs</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Package Description**

Maintaining CASA funding to support local programs is jointly supported by the Superior Court Judges' Association, the Washington Association of Juvenile Court Administrators, the Legislature, and the State CASA Organization. RCW 13.34.100(1) requires superior courts to appoint a guardian ad litem to represent dependent children in state welfare cases, absent good cause finding the appointment unnecessary. CASA programs manage volunteer programs that recruit, educate, and support CASAs who are assigned as guardians ad litem to dependent children. CASA volunteers are appointed by judges to watch over and advocate for abused and neglected children and to fulfill all of the responsibilities of

a paid guardian ad litem. Ideally, the CASA remains with each case until it is closed and the child is placed in a safe and permanent home.

Currently, Washington Courts operate thirty-five CASA programs. Funding for CASA programs is typically a blend between state and local funding. For the state portion, funding is authorized by the Legislature and appropriated to the Administrative Office of the Courts (AOC). The funds are then passed through to support local court and tribal court CASA programs through contracts with each superior court or tribal council.

AOC requires semi-annual reports from CASA programs that record information on dependency filings, CASA appointments, paid GAL appointments, amount of state funding, amount of county funding, amount of other funding, staff FTE and total number of volunteers.

Without state funding appropriated by the Legislature to support CASA programs, their continued existence is doubtful. The basic premise is that volunteer programs that have standards and support provide the same quality of representation at a lower cost than hiring professional guardians ad litem. The volunteer CASA programs in our courts have a reputation for being highly professional, maintaining integrity, and serving dependent youth effectively. Volunteer programs, while cost effective, require comprehensive oversight by court staff and/or program managers. Each and every funding reduction results in less support for volunteers. Without direct supervision of volunteers, fewer CASAs are recruited, approved, and resignation of current volunteers increases.

State funding pays for program infrastructure, particularly the cost of volunteer coordinators and managers.

#### **Narrative Justification and Impact Statement:**

- **This package contributes to the Judicial Branch Principle Policy Objectives as noted below.**

**Fair and Effective Administration of Justice in All Civil and Criminal Cases. *Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.***

Dependent children have unique legal needs that must be met according to the statute. The court can appoint either a guardian ad litem or CASA to represent dependent children. The CASA programs offer a level of advocacy that is personal and attentive to children with unique personal and legal needs. Experience with the court is sometimes associated with threat and instability to a child, and the connection and trust of a CASA provides a uniquely valuable sense of security in the view of a dependent child. Absent secure funding to provide stability to the infrastructure of a CASA program, experienced and professional advocacy services are at risk of faltering.

**Accessibility. *Washington courts, court facilities and court systems will be open and accessible to all participants regardless of cultural, linguistic, ability-based or other characteristics that serve as access barriers.***

CASA volunteers receive training on legal and cultural issues before being assigned cases.

**Access to Necessary Representation. *Constitutional and statutory guarantees of the right to counsel shall be effectively implemented. Litigants with important interest at stake in civil judicial proceedings should have meaningful access to counsel.***

CASA programs meet a critical need in providing adequate levels of representation to dependent children in our legal system. No one disagrees that this is a particularly vulnerable population who deserve the best representation in our legal process that has various pressures to process cases. The state's investment in CASA is not simply because it offsets considerable resources by providing volunteer services at a cheaper rate, which it does, but CASA also provides the quality of representation and the personal level of advocacy needed by these children.

#### **Measure detail**

##### **Impact on clients and services**

Dependent youth are the consumers of the services provided by CASAs. They need strong advocacy for their best interests in the context of court or basic case management services. Their CASA representative must be competent in legal, mental health, child development, and cultural issues.

##### **Impact on other state programs**

Effective advocacy for dependent children improves timeliness to permanence. CASA programs are able to provide quality case management to dependent youth which improves outcomes for children. If parties have adequate representation and advocacy, the more likely the case will be resolved quickly and disruption to the lives of the families is lessened. This has the possibility to significantly impact budgets related to foster care and services.

##### **Relationship to Capital Budget**

None

##### **Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan**

None

##### **Alternatives explored**

The alternative is to fund CASA at the current level, which over time weakens the infrastructure and limits the programs' ability to recruit, train, and retain a competent and qualified volunteer pool.

**Distinction between one-time and ongoing costs and budget impacts in future biennia**

This request is ongoing in nature.

**Effects of non-funding**

If state CASA funding is lowered or continues at the current reduced level, the basic program elements are difficult to maintain. At the current budget level, CASA programs have been challenged to effectively recruit, train, and retain volunteers.

**Expenditure calculations and assumptions**

The joint request of the trial court associations, Superior Court Judges' Association and the Washington Association of Juvenile Court Administrators, is for the Supreme Court to restore CASA funding to be equivalent to the 2009 allocation.

There are approximately 14,000 dependent children in Washington State. If the reduction to the CASA budget was restored, approximately 1,500 additional dependent children could be served. This assumption is based on the national standards: 1 coordinator can support 30 volunteers, who will then serve 45 youth.

<b><u>Object Detail</u></b>	<b><u>FY2014</u></b>	<b><u>FY2015</u></b>	<b><u>Total</u></b>
Staff Costs	\$621,000	\$621,000	\$1,242,000
Non-Staff Costs	\$ 0	\$ 0	\$ 0
<b>Total Objects</b>	<b>\$621,000</b>	<b>\$621,000</b>	<b>\$1,242,000</b>

WASHINGTON STATE JUDICIAL BRANCH  
 2013-2015 BIENNIAL BUDGET REQUEST  
 Detailed Decision Package

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**Agency:** Administrative Office of the Courts

**Decision Package Title:** Washington State Family and Juvenile Court Improvement Plan - Restoration

**Budget Period:** 2013-2015 Biennial Budget Request

**Budget Level:** Policy Level

**Recommendation Summary Text**

The Family and Juvenile Court Improvement Plan, RCW 2.56.030, coordinates courts' efforts on Superior/Family and Juvenile cases, to strategically implement principles of the Unified Family Court (UFC) which were adopted as best practices by the Board for Judicial Administration in 2005

Funding is requested to restore funding to the base funding for FJCIP courts to previous levels. Due to state agency budget reductions in 2009, the biennial FJCIP pass-through budget was reduced by \$310,000 or 19.3%. Because of this reduction, funding for training opportunities and court enhancement projects was eliminated. Maintaining case coordinator positions is the primary funding objective for the courts and AOC, but absent restoration of the base funding, the FJCIP courts fail to meet the objective clearly spelled out in statute.

**Fiscal Detail**

<b>Operating Expenditures</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>Total</b>
<b>001-1 General Fund-State</b>	<b>\$155,000</b>	<b>\$155,000</b>	<b>\$310,000</b>
<b>Staffing</b>			
<b>FTEs</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Package Description**

The FJCIP program represents a product of legislative and judicial branch cooperation, resulting from a workgroup which designed and implemented a plan to promote the UFC principles and best practices. Through a true partnership, the

Board for Judicial Administration, the Superior Court Judges' Association, the Washington Association of Juvenile Court Administrators, the Supreme Court, and the Legislature together enacted and implemented FJCIP. Family and Juvenile Court Improvement Plan (FJCIP) funding and framework for superior courts exist in thirteen counties to implement enhancements to their family and juvenile court operations that are consistent with UFC principles.

The FJCIP program invites accountability for program development and fiscal expenditures, especially through the system of reporting and communication created by the Washington State Center for Court Research.

The FJCIP courts are obligated to comply with educational requirements, judicial leadership and case management. Without funding to support education and secure case coordinator positions, the programs are vulnerable and reform efforts undermined. Although FJCIP funding was reduced in 2009, thirteen of the initial sixteen sites continue their programs with reduced state funding. All of the sites maintain case coordinator services as their primary need but enhancement projects that required additional resources were delayed.

The FJCIP allows flexible implementation centered on core elements including stable leadership, education, and case management support. The statewide plan promotes a system of local improvements

**Narrative Justification and Impact Statement:**

**This package contributes to the Judicial Branch Principle Policy Objectives as noted below.**

**Fair and Effective Administration of Justice in All Civil and Criminal Cases. *Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.***

Each superior court in Washington processes cases that fall under juvenile court (offender and civil) and domestic relations. The judiciary adopted standards for best practices in 2005 for managing these cases that improved the quality, efficiency, and consistency of outcomes for families. These enhancements are tangible ways for the superior courts to improve public trust and confidence in our courts that deal with sensitive case types.

FJCIP courts represent 65% of dependency case filings in Washington State. The FJCIP courts are measured in six timeliness objectives against non-FJCIP sites (and a seventh measure will be implemented in 2013). Those objectives reflect federal and state mandated time standards (see below). According to the attached tables, FJCIP courts show better compliance with the timeliness standards.

<u>OBJECTIVE</u>	<u>DESCRIPTION</u>
#1	fact finding within 75 days
#2	review hearings every six months
#3	permanency planning hearing within 12 months
#4	permanency achieved before 15 months of out-of-home care
#5	termination of parental rights petition filed before 15 months of out-of-home care
#6	adoption completed within six months of termination order
#7	time from termination of parental rights petition filing to termination of parental rights (effective 2013)

**Accessibility. *Washington courts, court facilities and court systems will be open and accessible to all participants regardless of cultural, linguistic, ability-based or other characteristics that serve as access barriers.***

All of the superior courts in our state process family and juvenile cases. The FJCIP courts were given the opportunity to effectively implement best practices as they relate to processing family and juvenile case types. While all courts process cases, FJCIP courts have targeted individual areas for improvement that are measured and provide better services to families involved in multiple court cases.

**Commitment to Effective Court Management. *Washington courts will employ and maintain systems and practices that enhance effective court management.***

More timely resolution to cases in family and juvenile court is the mission of the FJCIP courts.

The FJCIP programs require local analysis and program development that is consistent with UFC principles. One of those underlying principles of UFC is case management or coordination of cases involving multiple family members. The FJCIP projects are monitored and held accountable for meeting the targets of UFC and dependency timeliness standards, accomplished through improved case management strategies (i.e. calendaring cases involving family members with one judicial team or calendaring dependency cases with a consistent “team” of providers (AG, parent attorney, social worker, GAL or CASA, Commissioner)).

**Appropriate Staffing and Support. *Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported.***

The amount requested in this funding package restores the initial level of funding to the existing FJCIP sites for thirteen programs.

For courts to manage their local reform efforts, they need court leadership and staff to provide analysis, program design, and implementation of the improvement practices. The request will provide adequate funding for staff to continue a full time effort on FJCIP projects.

## **Measure detail**

### **Impact on clients and services**

The FJCIP program requires local leadership to identify areas of enhancement in family and juvenile court operations. As a result of FJCIP, the courts are proactive in seeking projects to strengthen the coordination of cases between court level stakeholders (e.g., courthouse facilitator) and external stakeholders (e.g., Department of Social and Health Services). Effecting system-wide improvements shows direct benefits to families and the measured impact of the improvements is evident in the time standards report.

The recipients of the improved coordination of cases, service delivery, and education of court staff (including judicial officers) are the court community and the citizens served by them. Communities in thirteen counties are better served as a result of FJCIP.

### **Impact on other state programs**

The FJCIP embodies a major reform effort in family and juvenile court operations. The FJCIP promotes innovative strategies that respond to local court needs. If the courts are more efficient as a result of targeted improvements, collateral state and county stakeholders also benefit from a streamlined and better informed court process.

### **Relationship to Capital Budget**

None.

### **Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan**

None

### **Alternatives explored**

The alternatives to FJCIP courts already exist in the remaining superior courts that do not have the benefit of FJCIP funding and staffing to enact improvements to their system of processing family and juvenile cases. One of the appealing aspects of FJCIP is the court demographics that are addressed by FJCIP. Take note that King is one FJCIP court and at the same time so is the Hells Canyon Circuit Court. Regardless of court size, structure, or number of judicial officers, FJCIP is applicable to all court sizes because it allows local enhancements. While based on uniform standards, the UFC principles, each site has the opportunity to invest in innovated improvements while other courts have not had the same advantage.

### **Distinction between one-time and ongoing costs and budget impacts in future biennia**

Funding is ongoing.

## Effects of non-funding

If this decision package is not funded, and assuming the program does not receive additional reductions, the thirteen FJCIP courts will continue to exist and impact their court processes in the capacity they do now. There are basic court management or coordination efforts that can impact the quality of case processing that are consistent with UFC principles. These modifications have happened to a large extent by using court leadership and innovation that does not require additional funding. These enhancements will be maintained at their current level.

A residual impact of uncertain funding, compounded by considerable budget strain both state and locally, is that FJCIP courts have treated the funding as “grants” and potentially unsustainable. This transitory feeling has resulted in higher than expected staff turnover and marginal court commitment. Both the chief judge and case coordinator must work effectively at instituting changes in their courts. To date, the courts have been sidetracked by the threat of potential funding reductions. The FJCIP program has operated for four years. While no program has a guarantee of continued state funding, restoration back to original funding levels provides courts assurance that the program has the longevity to invest in the *future* development of FJCIP. Funding restoration will engender more satisfaction with and faith in the improvements accomplished in the past four years that currently feel temporary in some courts.

## Expenditure calculations and assumptions and FTE assumptions

The amount requested would restore FJCIP to the original amount of the FJCIP program authorized by the Legislature in 2008. This amount allows funding for case coordinator staff, education, and limited project funding to implement enhancements.

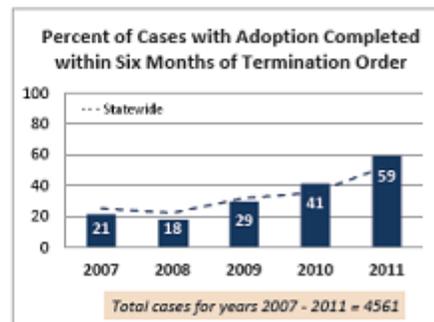
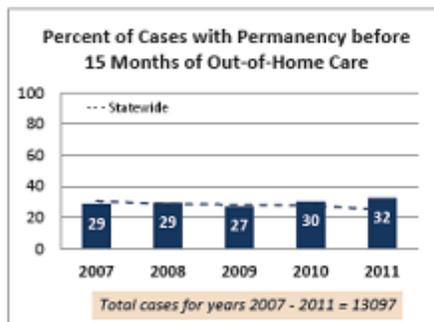
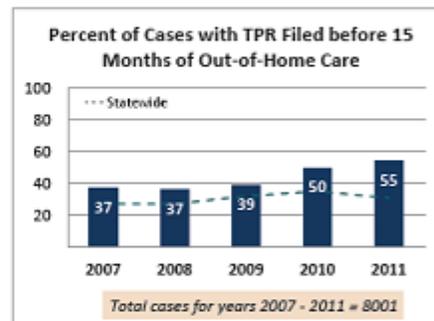
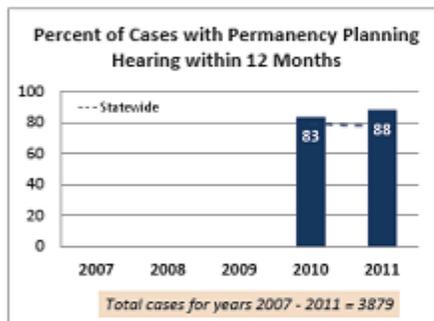
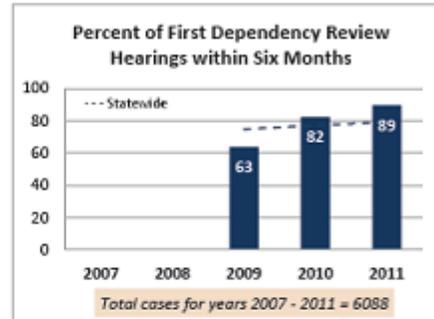
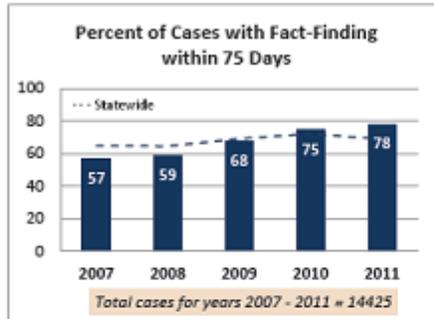
Funding was initially divided and allocated based on applications from courts that included commitments to follow the requirements of the statute. FJCIP courts were invited to recruit case coordinator staff at the range that was consistent with the draft job description provided by the AOC. The FTE packages, including salary and benefits, vary depending on the court. Also, the AOC made a determination on what level of case coordinator FTE each court would be eligible for, either full or half time. This was based on case filings and number of judicial officers in each court.

## Expenditure Calculations and Assumptions

(Rationale for costs shown)

<u>Object Detail</u>	<u>FY2014</u>	<u>FY2015</u>	<u>Total</u>
Staff Costs	\$ -0-	\$ -0-	\$ -0-
Non-Staff Costs	\$ 155,000	\$ 155,000	\$ 310,000
<b>Total Objects</b>	<b>\$155,000</b>	<b>\$155,000</b>	<b>\$310,000</b>

## APPENDIX A: PERFORMANCE OF THE FJCIP COURTS ON DEPENDENCY TIMELINESS INDICATORS



WASHINGTON STATE JUDICIAL BRANCH  
**2013-2015 BIENNIAL BUDGET REQUEST**  
**Detailed Decision Package**

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**Agency:** Administrative Office of the Courts

**Decision Package Title:** Increase the State's Contribution to Salaries of Judges of Courts of Limited Jurisdiction

**Budget Period:** 2013-2015 Biennial Budget Request

**Budget Level:** Policy Level

**Recommendation Summary Text**

This proposal will increase the state's contribution to the funding of district and qualifying municipal court judges' salaries. The Trial Court Funding Taskforce concluded, and the Board for Judicial Administration supports, a trial court funding partnership between local and state governments. The state currently contributes approximately 17% toward the cost of limited jurisdiction judicial salaries. For their superior court counterparts, the State contributes 50% of judicial officers' salaries, passed through to the counties by the Administrative Office of the Courts.

This proposal will increase the State's share to 50% over a three year period.

**Fiscal Detail**

<b>Operating Expenditures</b>	<b><u>FY 2014</u></b>	<b><u>FY 2015</u></b>	<b><u>Total</u></b>
<b>Sum of All Costs</b>	<b>\$ 2,090,000</b>	<b>\$ 4,179,000</b>	<b>\$ 6,269,000</b>
<b>Staffing</b>			
	<b><u>FY 2014</u></b>	<b><u>FY 2015</u></b>	<b><u>Total</u></b>
<b>FTEs</b>	0	0	0

**Package Description:**

In Chapter 457, Laws of 2005, the Legislature recognized that "trial courts are critical to maintaining the rule of law in a free society and that they are essential to the protection of the rights and enforcement of obligations for all" and began contributing toward the salaries of district and eligible elected municipal court judges as a step toward meeting a state commitment to improving trial courts in the state.

This proposal fulfills that commitment for the State to contribute equally to the salaries of district and elected municipal court judges. The proponents of this package present a balanced request considering the economic recession and slow recovery. While the Legislature explicitly recognizes the critical role of the trial courts, and has taken steps

to fulfill the obligation to fund in-part, they are also meeting extraordinary demands on the state budget. The decision package details a conservative approach to incrementally build the state budget to support the limited jurisdictions courts, which operate critical services for Washington citizens. This proposal provides an ideal opportunity for joint advocacy by the trial courts, Supreme Court, and Legislature to ensure sustainability and professional standards for all courts of limited jurisdiction.

District court judges are elected, but municipal judges may be either elected or appointed. The Court Funding Task Force "...also concluded that all judges in courts of limited jurisdiction should be elected to promote accountability and the independence of the judiciary." The Board for Judicial Administration has supported ways to incentivize cities to require election of judges and current statutory provisions exist as incentive for cities to elect their municipal court judges in return for the State salary contribution.

The State currently provides approximately 17% of the cost of the salaries of district and qualifying municipal court judges, with local government funds covering the remaining 83%. This request will increase the State's share of these salaries over a three year period to 50%. The savings realized by the local jurisdictions are to accrue in a Trial Court Improvement Account (TCIA) to be used to improve local court processes.

#### **Narrative Justification and Impact Statement:**

- **This package contributes to the Judicial Branch Principle Policy Objectives as noted below.**

***Fair and Effective Administration of Justice in All Civil and Criminal Cases. Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.***

Budget impacts have been most severe on court services that are not mandated by law, but which promote public trust and confidence, provide equity in the court system, keep communities safe, and reduce recidivism. Limited jurisdiction courts have extensive exposure to citizens in our state. This proposal will increase sustainability of long term funding for salaries therefore encouraging longer commitment of judicial officers in limited jurisdiction courts.

The increase in the State's contribution to judicial salaries will improve the courts ability to maintain those services which provide for a fair and equitable judicial system.

***Accessibility. Washington courts, court facilities and court systems will be open and accessible to all participants regardless of cultural, linguistic, ability-based or other characteristics that serve as access barriers.***

Equal access to the courts includes issues such as location, court hours of operation, language, disability, adequate staffing, and many others. By accruing savings in a TCIA, local jurisdictions will be able to remain open each day, provide

sufficient staffing, and provide necessary accommodations to those with physical, language or other barriers.

**Commitment to Effective Court Management. *Washington courts will employ and maintain systems and practices that enhance effective court management.***

Courts throughout Washington have utilized judicial officers such as pro tem judges and court commissioners to handle increasing caseloads. Cuts to judicial officer positions have resulted in judges having less time to prepare while being responsible for increased caseloads. Additionally, cuts to staff have included investigators, Guardians ad Litem, and Court Appointed Special Advocates. All this leaves judges with less time and information to make decisions. Cuts to judicial positions can be eased or eliminated if the State increases their share of salaries, with the accrued savings being used to reinstate ancillary services for the judicial officers.

**Appropriate Staffing and Support. *Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported.***

Delays and errors in the courts are serious issues with implications for public safety. Cuts to court staff have resulted in loss of personnel to process case filings and documents, loss of assistance to self-represented persons, and reduced staff to directly support judges. Reductions in staff could be reversed from the savings accrued with additional State funding of qualifying judicial salaries.

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**Measure detail**

- **Impact on clients and services**  
None.
- **Impact on other state programs**  
None.
- **Relationship to Capital Budget**  
None.
- **Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan**  
None.
- **Alternatives explored**
- **Distinction between one-time and ongoing costs and budget impacts in future biennia**  
These will be ongoing costs, increasing over three years until the State is paying 50% of qualifying judges' salaries.

**Effects of non-funding**

Courts will continue to struggle to maintain judicial staffing and efficiency at the local level.

**Expenditure Calculations and Assumptions**

<b><u>Object Detail</u></b>	<b><u>FY2014</u></b>	<b><u>FY2015</u></b>	<b><u>Total</u></b>
Staff Costs	\$ 0	\$ 0	\$ 0
Non-Staff Costs	\$2,090,000	\$4,179,000	\$6,269,000
<b>Total Objects</b>	<b>\$2,090,000</b>	<b>\$4,179,000</b>	<b>\$6,269,000</b>

DRAFT

WASHINGTON STATE JUDICIAL BRANCH  
2013-2015 BIENNIAL BUDGET REQUEST  
Detailed Decision Package

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**Agency:** Administrative Office of the Courts  
**Decision Package Title:** Therapeutic Court Coordinator  
**Budget Period:** 2013-2015 Biennial Budget Request  
**Budget Level:** Policy Level

**Recommendation Summary Text**

This request proposes resources for one full-time Senior Court Program analyst at the Administrative Office of the Courts who will work statewide with existing therapeutic courts, judicial association drug court committees, drug court professional associations, and others to strengthen evaluation, reporting, standards and principles.

This position will coordinate statewide efforts related to therapeutic courts among court leadership, both at the superior and limited jurisdiction court levels. This coordination will strengthen the overall quality and success of the state's existing therapeutic courts and provide guidance to programs being created.

**Fiscal Detail**

Operating Expenditures		FY 2014		FY 2015		Total
001-1 General Fund-State		\$92,000		\$92,000		\$184,000
<b>Staffing</b>						
		FY 2014		FY 2015		Total
FTEs		1		1		1

**Package Description**

To date, there are more than 70 therapeutic courts located in 26 of 39 counties in Washington State. There are eight different kinds of therapeutic courts, including adult felony drug, juvenile drug, adult misdemeanor drug, veterans, mental health, At Risk Youth drug, family treatment, and juvenile gang courts. Despite their growing number, there has not been state investment to secure court infrastructure, a regular emphasis on evaluation or tracking participant outcomes, educational opportunities, or coordinated participation in statewide stakeholder groups.

Each county court has administrative responsibility for the operation of their therapeutic court, however, that can take several different forms:

- Court staff provide case management, program coordination, staff support for the bench, contract directly for treatment, and liaison with treatment providers, or;
- Court staff provide case management but all treatment is provided by county human services contracted treatment providers, or;
- A county human service agency or treatment provider handles all program coordination, case management, and treatment.

The therapeutic court coordinator will provide assistance in bringing conformity to therapeutic courts administrative functions and will present informational updates on a regular basis, ensuring courts have access to the most current research on effective therapeutic court management and evaluation. This will be accomplished through the development of cross-court communications and collaborations through the ongoing maintenance of the existing problem solving court directory, staffing of the Superior Court Judges Association (SCJA) and District and Municipal Court Judges Association (DMCJA) therapeutic courts committees, and management of listservs developed for judges, coordinators and administrators.

The statewide coordinator position will enhance the trial courts' ability to implement coordinated best practices and policies for existing or new therapeutic court programs. The Board for Judicial Administration (BJA) has expressed interest in identifying generic standards, and possibly a general statute, that authorizes therapeutic courts assuming mandatory standards are met. This will promote consistent standards and measurement statewide, despite the type of therapeutic court. The coordinator would take the lead in staffing that project and other similar statewide court-related efforts

The statewide coordinator will provide a central point of contact within the judicial branch for technical assistance requests from trial courts both when new therapeutic courts are being planned and during their implementation. The position will also serve as a state level judicial agency liaison with the Washington Association of Drug Court Professionals, the Criminal Justice Treatment Account Panel, federal agencies involved in drug court programming, and other similarly involved state and county organizations. A central point of contact promotes consistency in practice, education, and evaluation, and facilitates coordinated long range planning and program development at the state level. Further, having one point of expertise in the branch will increase visibility in the larger stakeholder community.

The statewide program coordinator will be positioned to support and offer coordinated trainings to therapeutic courts, judges and their staff. The coordinator will provide a training curriculum relevant to all types of therapeutic courts which can be used for judicial college, judicial conferences, or case manager trainings.

Lastly, the coordinator will be available to work toward a long term goal of integrating therapeutic court case management systems within existing JIS applications.

## **Narrative Justification and Impact Statement:**

**This package contributes to the Judicial Branch Principle Policy Objectives as noted below.**

**Fair and Effective Administration of Justice in All Civil and Criminal Cases. *Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.***

This decision package supports the fair and effective administration of justice by: 1.) facilitating the sharing of information across Washington's therapeutic courts, 2.) promoting consistent and proven therapeutic court program principles and practices 3.) the collection of data with regard to therapeutic courts that helps local and state government tailor their programs to be as effective as possible, 4.) supporting efforts to identify and resolve operational and legal issues related to therapeutic court programs, 5.) providing a centralized point of contact for Washington's therapeutic courts that assures a statewide perspective on the implementation of those courts within Washington State.

**Accessibility. *Washington courts, court facilities and court systems will be open and accessible to all participants regardless of cultural, linguistic, ability-based or other characteristics that serve as access barriers.***

This package will provide information, assistance, leadership, and direction to assure that all therapeutic court programs are accessible to all participants regardless of cultural, linguistic, ability-based or other characteristics that serve as access barriers.

**Access to Necessary Representation. *Constitutional and statutory guarantees of the right to counsel shall be effectively implemented. Litigants with important interest at stake in civil judicial proceedings should have meaningful access to counsel.***

Through staff support of the judicial association therapeutic court committees, liaison with the state drug court association, and other interested agencies and organizations, this position will support statewide efforts to assure appropriate and necessary representation is available to therapeutic court participants.

**Commitment to Effective Court Management. *Washington courts will employ and maintain systems and practices that enhance effective court management.***

On a regular basis, new therapeutic courts are authorized by statute. In fact, in the 2012 Legislative session, two separate bills were filed to expand the menu of therapeutic courts: juvenile gang court and veterans' court. While best practices and standards have been promulgated nationally, in Washington State the judicial branch, AOC, and the trial courts have not formally adopted any general principles

or best practices necessary to operate a therapeutic court. Even the definition of a therapeutic court has been the subject of debate. There is no coordinated court level advocacy for therapeutic courts, either to support the existing courts or to add new courts. This decision package provides a centralized staff person whose role be to support, facilitate, and when appropriate, lead efforts to address these deficits.

For existing therapeutic courts, regular and repeatable reporting standards have not been institutionalized. Periodically, a therapeutic court program requests a “snapshot” evaluation of their program, but no meaningful long term evaluation of programs has materialized in Washington’s therapeutic court community. Absent a baseline of ongoing evaluation, funding (local, state, and federal) is unstable.

Currently, the judicial branch and trial courts have been absent from policy and funding decisions related to therapeutic courts and standards. There has not been a court coordinated effort to engage with stakeholders who control access to funding, treatment, and evaluation. This position will increase the courts statewide visibility as an equal partner with the Department of Social and Health Services Division of Behavioral Health and Recovery (DBHR). The visibility is particularly important, as the primary state funding for drug courts comes through DBHR. Implementing an AOC therapeutic court coordinator will ensure sustainability in the state and demonstrate the commitment of the judicial branch.

Because there has not been a deliberate effort to establish standards, principles, or best practices, evaluation of therapeutic courts has not occurred as an ongoing effort. Fidelity to the therapeutic court model is generally considered the primary means to ensure successful client outcomes. Without deliberate attention to evaluation, there is only anecdotal information about the success of therapeutic court participants, therefore weakening the sustainability of funding.

Grant funding, through WA-CARES, was used to purchase nine drug court case management licenses. In the meantime, larger courts including King, Spokane, Pierce and Clark spent considerable time and money to develop their own unique drug court information systems. Yet, other courts operate without a case management system and are unable to consolidate data statewide. There is no coordinated movement to consolidate or build a unified drug court case management component or merge the current systems with JIS. The state’s ability to compile analysis on drug court outcomes is challenging because of the disjointed nature of the data.

The establishment of a dedicated therapeutic court coordinator will support the courts efforts to overcome these management and funding issues, and facilitate statewide policy and best practices for the administration of justice within the therapeutic court model.

**Appropriate Staffing and Support. *Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported.***

This decision package directly addresses this goal. It will provide a staff position to support court personnel, managers, and systems on a statewide basis as relates to therapeutic courts in this state. This capability does not currently exist, and its lack contributes to poor coordination of effort, lack of quality control, duplication of effort, and other inefficiencies within the therapeutic courts in Washington.

### **Measure detail**

#### **Impact on clients and services**

This decision package will ultimately result in greater consistency of operations among programs, adherence to best practices, production of evaluative and outcome data necessary to decision-making, training of therapeutic court judges and team members, coordination of effort, utilization of resources, and other efficiencies, all of which contribute directly to improved services and outcomes for therapeutic court clients.

#### **Impact on other state programs**

State funding for treatment for therapeutic court clients is currently maintained within the budget(s) of other state agencies such as the Division of Behavior, Health and Recovery Services. This decision package will provide a dedicated point of contact for state agencies, within AOC, and through that position, the state associations and their sub-committees, to liaison around funding and service concerns.

#### **Relationship to Capital Budget**

None.

#### **Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan**

None.

#### **Alternatives explored**

There is no logical alternative to this decision package. There is no court driven, centralized, statewide point of contact for therapeutic courts in Washington. The Administrative Office of the Courts is clearly positioned to house this position, and indeed is the only agency that can realistically do so.

#### **Distinction between one-time and ongoing costs and budget impacts in future biennia**

Costs are ongoing salary requirements for one full-time senior court program analyst.

#### **Effects of non-funding**

If this decision package is not funded, therapeutic courts in this state will continue to operate with little coordination of effort, a lack of evaluative data needed for

determining outcomes, inadequate staff support for court associations and committees responsible for dealing with therapeutic court practices and principles, poor ability to respond to funding and legislative dynamics, and no statewide court perspective on therapeutic courts and their role in the court system.

**Expenditure Calculations and Assumptions**

<b><u>Object Detail</u></b>	<b><u>FY2014</u></b>	<b><u>FY2015</u></b>	<b><u>Total</u></b>
Staff Costs	<b>\$92,000</b>	<b>\$92,000</b>	<b>\$184,000</b>
Non-Staff Costs	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 0</b>
<b>Total Objects</b>	<b>\$92,000</b>	<b>\$92,000</b>	<b>\$184,000</b>

**Staff Costs**

Costs are based on the current judicial branch salary schedule, plus calculated benefits.

DRAFT

WASHINGTON STATE JUDICIAL BRANCH  
2013-2015 BIENNIAL BUDGET REQUEST  
**Detailed Decision Package**

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**Agency:** Administrative Office of the Courts  
**Decision Package Title:** Quality Assurance Consolidation – Juvenile Court  
**Budget Period:** 2013-2015 Biennial Budget Request  
**Budget Level:** Policy Level

**Recommendation Summary Text**

The request proposes the Quality Assurance (QA) coordinators and statewide QA structure be standardized, research-oriented, and managed by the Administrative Office of the Courts Washington State Center for Court Research.

**Fiscal Detail**

<b>Operating Expenditures</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>Total</b>
<b>001-1 General Fund-State</b>	<b>\$ 668,000</b>	<b>\$ 668,000</b>	<b>\$ 1,336,000</b>
<b>Staffing</b>			
<b>FTEs</b>	<b>5</b>	<b>5</b>	<b>5</b>

**Package Description**

In previous years, the associations and AOC advocated for consolidation based on separation of powers and a clear vision for enhancements to the quality assurance, program evaluation, and reporting for court constituents and outside stakeholders. While that vision was clearly articulated, the actual plan on how to accomplish the improvements without additional state resources was not detailed. The proposal below, for the 2013 Legislative Session, clearly outlines the design of a QA system that is able to produce system enhancements. This request reflects the future demands on a QA system that can accommodate the increasing expectations of the current QA needs as well as future needs as additional evidence-based programs are implemented by juvenile courts.

As proposed, the redesigned QA system can expand to current programs shared by other agencies or additional programs identified for other populations. The list of approved programs (EBPs) used in juvenile court are shared with juvenile justice partners in Juvenile Rehabilitation, and possibly to other agencies as was the vision in last session’s House Bill 2536. The refreshed vision and repurposing of staff will

strengthen the future of QA and provide improved services to all users of evidence-based programs.

The current system of Quality Assurance (QA) for juvenile assessment and programs is program-driven, leaving some commonality between QA oversight, but not enough to maximize efficiencies. Consolidating QA creates an expectation that all EBPs will be evaluated equally, based on standards, and regardless of what agency or vendor is conducting the QA oversight. The new design also allows growth and duplication into other areas of program evaluation, such as with other juvenile promising programs or services offered via the juvenile justice system.

In order to accomplish the revised vision within existing FTEs, the proposal is to consolidate the separate QA functions into a streamlined system that provides professional level quality standards across programs and functions while increasing court access to evaluation data. This proposal dedicates resources to improve and expand the role of QA to meet the increasing internal and external demand for reporting. The EBPs utilized by juvenile courts are shared with our juvenile justice partners at the Juvenile Rehabilitation Administration (JRA). The courts and JRA have common interest in enhancing the system of QA and were directed by the Legislature in 2012 to review the system of QA and report back in December of 2012. The courts view the new QA system as a shared resource and allow connection of evaluation data system-wide.

Consolidation of the distinct QA functions will provide an organized, streamlined, and professional system of QA housed at the AOC within the Washington State Center for Court Research. The enhanced QA system will be based on standard principles to evaluate (1) assessment delivery and (2) Evidence Based Programs. The enhanced system of QA would be poised to apply evaluation standards to assessment and services delivered in the courts. This advancement will be a sustainable and valuable asset to stakeholders, policy makers, and funders alike. It will allow a strategy to evaluate cross system involved youth.

#### **Narrative Justification and Impact Statement:**

**This package contributes to the Judicial Branch Principle Policy Objectives as noted below.**

**Fair and Effective Administration of Justice in All Civil and Criminal Cases. *Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.***

The juvenile court offender management system is based on (1) assessment, (2) interventions, (3) case management that includes matching youth with appropriate interventions to reduce recidivism, and (4) outcome measurement. Each of these elements includes a role for Quality Assurance. If any of these elements are not functioning correctly, the court fails to maximize the use of state funds.

**Accessibility. *Washington courts, court facilities and court systems will be open and accessible to all participants regardless of cultural, linguistic, ability-based or other characteristics that serve as access barriers.***

The court proponents for this decision package believe the enhanced QA system will better meet the needs for multi-system youth, regardless of what system is responsible for their treatment. For example, a consolidated system would tie together youth who have a dependency case and are on probation. If a youth has been in a JRA institution, is released back in the community and fails to attend school a truancy petition is filed. Along with our ability to measure the impact of programs comes increased responsibility to ensure services are meeting the targeted goals.

**Commitment to Effective Court Management. *Washington courts will employ and maintain systems and practices that enhance effective court management.***

Each juvenile court in Washington employs a validated risk assessment tool, titled the Case Management Assessment Process (CMAP), to determine a youth risk level to re-offend as well as identifies primary areas of need or targeted areas for change that are most likely to impact a youth's future re-offending behavior. CMAP is a complete system of offender case management specifically designed to reduce future criminal activity resulting in recidivism. The juvenile courts have been committed to a system of offender management based on assessment, intervention, quality assurance, and outcome measurement. CMAP is a standardized court case management system designed to direct the level of supervision and match the best programs with youth risk factors to reduce reoffending behaviors.

**Appropriate Staffing and Support. *Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported.***

One distinct highlight of the CMAP system of offender management in juvenile courts is the comprehensive system of quality assurance regarding the assessment, and programs offered to juveniles under the court's jurisdiction. The coordinator for CMAP is housed at the AOC, under the Washington State Center for Court Research, although funding for this position is authorized by the legislature and passed through the Department of Social and Health Services, Juvenile Rehabilitation Administration.

The QA system is currently staffed in a disjointed way; however it meets the current needs of the system (assessment and programs). In light of the goal to expand a series of EBPs to other systems (i.e. Children's Administration and Mental Health) the number of programs is likely to expand as a result of the populations targeted for services. This vision was articulated in the 2012 House Bill 2536. While the final bill fell short of mandating that vision, a planning process is currently underway.

The proponents of this proposal strongly believe that expansion of EBPs must include equal QA presence as it does currently in juvenile courts. If the current system of QA is not built for sustainability and expansion, we run the risk of losing

authority over QA for our programs and not being a model for other systems to structure themselves.

QA funding comes from the state allocation to juvenile courts that pass through DSHS-JRA. That money currently purchases in whole or in part the following FTE:

- CMAP Coordinator – QA Specialist and .5 FTE support staff
- Aggression Replacement Training – QA Specialist and consultant contracts
- Coordination of Services – QA Specialist
- Functional Family Therapy – QA Specialist and contract with FFT Inc.
- Oversight of contracts at JRA

The program research function and oversight of the assessment software is supported by the AOC-Center for Court Research via separate grant funding. Additionally, there are EBPs where the actual QA activities are done outside the court's QA. For example, FFT is one of the primary EBPs in juvenile court. FFT Inc. is the major provider for QA services with an on-site QA expert in coordinating Washington's FFT programs both in court and in JRA. Similarly, QA for FIT and Multi Systemic Therapy (MST) are managed by the University of Washington. The courts need an effective liaison to incorporate program outcomes back into the court-centered QA system, such as exists with FFT Inc. Articulating and implementing the QA liaison role represents a significant improvement to the QA structure.

The court structure welcomes more collaboration between the current system of CMAP and EBPs with other public policy providers who must replicate a similar system. The vision articulated in this proposal should be one shared by other public policy agencies or those who deliver services. As was directed in House Bill 2536, the Washington State Institute for Public Policy and the University of Washington's Evidence Based Practice Institute are to provide an inventory of EBPs and research-based practices. Next, the Department of Social and Health Services is to create a summary of who in child welfare, juvenile rehabilitation, and children's mental health is using what services and finally provide a report that uses monitoring and quality assurance to measure fidelity to the services, including QA. That said, the Legislature has adopted an aggressive timeframe to apply available funding to EBPs, or to a lesser standard, research-based programs. These public agencies will require QA support. The sooner the legislature provides direction and clarity to juvenile justice QA, for the courts and JRA, the more of an advantage other systems will have to use the shared resource. Without consolidation, the QA system will remain divided and unable to meet the demands of expansion, improvement, and duplication.

The proposal slightly repurposes the FTEs by assigning responsibilities more consistent with a model that is sustainable and can manage growth in the number of programs to evaluate.

### **Measure detail**

#### **Impact on clients and services**

Under the proposal to consolidate and redefine responsibilities and reporting, the juvenile courts will have significantly improved access to data, and program outcome information to gauge program effectiveness. The QA system first and foremost serves to inform the courts; probation staff, administrators and judges. Secondly, the information accessible through improved reporting will better inform stakeholders and funders alike about what is working to reduce recidivism in the juvenile population. This kind of responsive data is particularly helpful for legislators who look to improve juvenile court and JRA as well as apply EBP standards to other systems such as Children's Administration and Mental Health Services.

### **Impact on other state programs**

The consolidation of QA functions and specialists would technically result in a reduction to the JRA budget. Historically, JRA has opposed the consolidation, however programmatically the EBP services at JRA would receive the benefit of an improved QA system simultaneous with the juvenile courts. Particularly in light of the Legislature's acceleration toward EBP delivery, a healthy and streamlined QA and reporting system are more important than in previous years. If our system of QA does not consolidate, we are vulnerable to the role of QA splintering between many different agencies.

### **Relationship to Capital Budget**

None.

### **Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan**

If consolidated, the AOC would not contract with the Department of Social and Health Services, Juvenile Rehabilitation Administration, for funds that currently support the QA for the assessment system (CMAP). The allocation to support QA would be direct from the Legislature to the AOC.

### **Alternatives explored**

The SCJA, WAJCA, and AOC have explored alternatives to consolidate the QA system. To the extent of delicate cooperation, the QA roles have worked together to join their work. These efforts are personality driven and not sustainable, situated for growth, and have no solid foundation. The only way to strategically improve the QA system to meet the future demands is to define and streamline QA in the way described in the decision package. This system will prevent additional QA roles for newly created EBPs to reside outside the court structure. This system will also better serve agencies that provide EBPs (existing or newly created), specifically JRA.

### **Distinction between one-time and ongoing costs and budget impacts in future biennia**

This is an ongoing cost but not a new budget request requiring new revenue. These funds would be transferred from the Department of Social and Health Services to the Administrative Office of the Courts.

## Effects of non-funding

We anticipate that funding for these services will be supported by the legislature because of the legislative interest in preserving outcomes of the work of the juvenile courts and have reduced recidivism and are expected to reduce future prison costs for the state. Should the QA system not be consolidated as this decision package details, the QA system will be more vulnerable than it has in past years because of the expected expansion and splintering that is currently being done.

## Expenditure Calculations and Assumptions

Currently, there are approximately 4.75 FTEs that have responsibility to the QA system for juvenile court assessment and programs. These positions are supplemented by grant funded positions at the Center for Court Research. The decision package articulates a vision and plan to improve reporting and QA based on standards, and details how the positions will be repurposed to serve the courts and our partners in EBP quality assurance. The system is currently meeting the courts needs, but will fail to meet the future demands or enhancements that will provide better information to the courts and outside stakeholders.

Today, the QA specialists technically work for different agencies (1 FTE for JRA, 1 FTE for AOC, 1 FTE for Snohomish County, and .4 FTE for Cowlitz County). The cost assumptions in the decision package reflect a standard salary for the QA specialists and QA liaison as they would be as AOC employees. The strategy also allows for assignment of software and querying/reporting staff to assist the juvenile courts. This role is parceled out to various individuals and is not clearly defined.

<u>Object Detail</u>	<u>FY2014</u>	<u>FY2015</u>	<u>Total</u>
Staff Costs	\$ 418,000	\$ 418,000	\$ 836,000
Non-Staff Costs	\$ 250,000	\$ 250,000	\$ 500,000
<b>Total Objects</b>	<b>\$ 668,000</b>	<b>\$ 668,000</b>	<b>\$1,336,000</b>

Included above are:

- \$282,000 for 3 QA specialists for each year
- \$57,000 for Administrative Support for each year
- \$150,000 per year for ART Contracts
- \$100,000 per year for FFT Contracts
- \$47,000 per year for .5 software and reporting expert
- \$32,000 per year for support from Management Services Division.



**WASHINGTON  
COURTS**  
ADMINISTRATIVE OFFICE OF THE COURTS

# Supreme Court Budget Committee

Wednesday, July 18, 1012

9:00 a.m. to 12:00 p.m.

Chief Justice's Reception Room

Temple of Justice

Olympia, Washington

**TO LISTEN TO PRESENTATIONS: (360) 407-3780, PIN 779729 #**

9:00 a.m.-9:30 a.m.	Introduction	
	Overview of process and materials	Mr. Ramsey Radwan
	Overview of statewide revenue, branch concerns and expenditure history	
	Questions	
9:30 a.m. – 10:30 a.m.	Washington Supreme Court Requests	
	Operational Funding and Temple Security	Mr. Ramsey Radwan
	Access-to-Justice	Kirsten Barron ATJ Board Chair
	Washington State Court of Appeals	
	Materials to be provided	Presiding Chief Judge Quinn-Brintrall
	Office of Public Defense	
	Caseload Maintenance, Parents Representation, Washington Defenders Association	Ms. Joanne Moore Executive Director
	Office of Civil Legal Aid	
	Mitigate Client Service Capacity Losses	Mr. Jim Bamberger Director
10:30 a.m. – 10:45 a.m.	Break	
10:45 a.m. – 11:30 a.m.	Judicial Information Systems Committee	
	Superior Court Case Management System JIS Multi-Project Funding Information Networking Hub (INH) Internal and External Equipment Replacement EDMS Ongoing Support	Ms. Vonnie Diseth Director, ISD
11:30 a.m. – 12:00 p.m.	Closing comments and questions	

Persons with disabilities requiring accommodation may contact Jan Nutting at [jan.nutting@courts.wa.gov](mailto:jan.nutting@courts.wa.gov) to discuss assistance needed. While notice 5 days prior to the event is preferred, every effort will be made to provide accommodation when requested.

## 2013-2015 Supreme Court Biennial Budget Request

	GF	JST	JIS	Total
<b>2013-2015 Draft Carry Forward and Maintenance Level</b>	<b>\$13,319,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$13,319,000</b>
<b>Rounded (000)</b>				
<b>Policy Level Changes</b>				
Operational Funding	\$50,000	\$0	\$0	\$50,000
Security Measures	\$0	\$0	\$0	\$0
Access to Justice	\$200,000	\$0	\$0	\$200,000
<b>Total Policy Level Request</b>	<b>\$250,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$250,000</b>
<b>% by Fund</b>	<b>1.88%</b>	<b>0.00%</b>	<b>0.00%</b>	<b>1.88%</b>
<b>Total 2013-2015 Biennium</b>	<b>\$13,569,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$13,569,000</b>

WASHINGTON STATE JUDICIAL BRANCH  
**2013-2015 BIENNIAL BUDGET REQUEST**  
**Detailed Decision Package**

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**Agency:** Supreme Court  
**Decision Package Title:** Operational Funding  
**Budget Period:** 2013-2015 Biennial Budget Request  
**Budget Level:** Policy Level

**Recommendation Summary Text**

Since 2009, the Washington Supreme Court (Supreme Court) has sustained a 17% reduction to its operating budget. In order to achieve those reductions the Supreme Court has frozen staff salaries, reduced department head salaries, eliminated costs resulting from holding court in areas other than Olympia, virtually eliminated funding for Access-to-Justice programs, and reduced other operating expenditures by fifty percent.

Funding is requested to support the constitutionally mandated operations of the Supreme Court.

**Fiscal Detail**

<b>Operating Expenditures</b>	<b><u>FY 2014</u></b>	<b><u>FY 2015</u></b>	<b><u>Total</u></b>
<b>001-1 General Fund State</b>	<b>\$ 25,000</b>	<b>\$ 25,000</b>	<b>\$ 50,000</b>
<b>Staffing</b>			
	<b><u>FY 2014</u></b>	<b><u>FY 2015</u></b>	<b><u>Total</u></b>
<b>FTEs</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

**Package Description:**

Since 2009, the Washington Supreme Court (Supreme Court) has sustained a 17% reduction to its operating budget. In order to achieve those reductions the Supreme Court has frozen staff salaries, reduced department head salaries, eliminated costs resulting from holding court in areas other than Olympia, virtually eliminated funding for Access-to-Justice programs, and reduced other operating expenditures by fifty percent.

Over eighty six percent (86%) of the non-staff budget is redistributed to central service agencies. These services and the associated costs are established by the central service agencies, and as such are beyond the control of the Supreme Court; they cannot be managed in a manner that would allow for service reductions leading to cost reductions. The remaining fourteen percent (14%) of the non-staff budget is dedicated

to ensuring that the Supreme Court can operate. This category includes the costs of telephones, document reproduction, postage and other necessary costs.

As noted, the Supreme Court has implemented budget austerity initiatives that allow it to function within the confines of its legislative appropriations. However, the Supreme Court is finding it extremely difficult to focus on and carry out its core mission due to the extreme budget situation it currently faces. As an example, normal operating supply purchases have been cancelled due to increased Attorney General litigation costs.

**Narrative Justification and Impact Statement:**

- **Describe the way in which way this package contributes to the Judicial Branch Principle Policy Objectives noted below.**

**Fair and Effective Administration of Justice in All Civil and Criminal Cases.**  
*Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.*

The Supreme Court must have adequate base funding in order to carry out its constitutional mandate. The Supreme Court budget has been reduced to a level that impedes its ability to effectively operate; almost one hundred percent of the Court's non-staff funding is dedicated to non-controllable costs such as rent, Attorney General services, statewide information technology service costs, etc.

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**Measure detail**

- **Impact on clients and services**  
Funding is being requested for costs associated with the most basic operating expenses. Without adequate funding for supplies, copies and telephones, the Supreme Court cannot adequately provide the services that the public has a right to receive.
- **Relationship to Capital Budget**  
None.
- **Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan**  
None.
- **Alternatives explored**  
The Supreme Court has implemented a number of cost reduction initiatives (see above). However the budget has been reduced to a point that does not allow for efficient and effective operation.
- **Distinction between one-time and ongoing costs and budget impacts in future biennia**  
This is a request for ongoing funds.

- **Effects of non-funding**

If additional funding is not provided certain costs may not be paid.

**Expenditure Calculations and Assumptions**

<b><u>Object Detail</u></b>	<b><u>FY2014</u></b>	<b><u>FY2015</u></b>	<b><u>Total</u></b>
Staff Costs	\$ -0-	\$ -0-	\$ -0-
Non-Staff Costs	\$ 25,000	\$ 25,000	\$50,000
<b>Total Objects</b>	<b>\$ 25,000</b>	<b>\$ 25,000</b>	<b>\$50,000</b>

DRAFT

WASHINGTON STATE JUDICIAL BRANCH  
**2013-2015 BIENNIAL BUDGET REQUEST**  
**Detailed Decision Package**

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**Agency:** Supreme Court  
**Decision Package Title:** Funding for Security Measures  
**Budget Period:** 2013-2015 Biennial Budget Request  
**Budget Level:** Policy Level

**Recommendation Summary Text**

Funding is requested to implement security measures within the Washington State Temple of Justice.

**Fiscal Detail**

<b>Operating Expenditures</b>		<b><u>FY 2014</u></b>		<b><u>FY 2015</u></b>		<b><u>Total</u></b>
<b>001-1 General Fund State</b>		<b>\$ TBD</b>		<b>\$ TBD</b>		<b>\$ TBD</b>
<b>Staffing</b>		<b><u>FY 2014</u></b>		<b><u>FY 2015</u></b>		<b><u>Total</u></b>
<b>FTEs</b>		<b>-0-</b>		<b>-0-</b>		<b>-0-</b>

**Package Description:**

Recent state and national events have highlighted the need for improved security at court facilities within Washington. In addition, a number of incidents have taken place at the Temple of Justice which has heightened the need for a security analysis and corresponding implementation items.

The Washington Supreme Court commissioned a workgroup to identify security measures that should be implemented at the Temple of Justice. To that end, the workgroup requested that a security audit be performed by the U.S. Marshal's Office.

Workgroup recommendations and security audit findings will be included at a later date.

**Narrative Justification and Impact Statement:**

- **This package contributes to the Judicial Branch Principle Policy Objectives as noted below.**

**Fair and Effective Administration of Justice in All Civil and Criminal Cases.**

*Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary’s duty to maintain the highest level of public trust and confidence in the courts.*

**Accessibility.** *Washington courts, court facilities and court systems will be open and accessible to all participants regardless of cultural, linguistic, ability-based or other characteristics that serve as access barriers.*

**Access to Necessary Representation.** *Constitutional and statutory guarantees of the right to counsel shall be effectively implemented. Litigants with important interest at stake in civil judicial proceedings should have meaningful access to counsel.*

**Commitment to Effective Court Management.** *Washington courts will employ and maintain systems and practices that enhance effective court management.*

**Appropriate Staffing and Support.** *Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported.*

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**Measure detail**

- **Impact on clients and services**  
Access to secure, safe courts promotes public confidence. Providing adequate security measures at the Temple of Justice will allow citizens to feel confident and safe while accessing court services and will provide a safe environment to court personnel.
- **Relationship to Capital Budget**  
TBD.
- **Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan**  
None.
- **Alternatives explored**  
Items and activities identified in this request represent the minimum actions necessary to improve public safety at the Temple of Justice.

- **Distinction between one-time and ongoing costs and budget impacts in future biennia**  
TBD.

- **Effects of non-funding**

If additional funding is not provided certain costs may not be paid.

<b><u>Object Detail</u></b>	<b><u>FY2014</u></b>	<b><u>FY2015</u></b>	<b><u>Total</u></b>
Staff Costs	\$ TBD	\$ TBD	\$ TBD
Non-Staff Costs	\$ TBD	\$ TBD	\$ TBD
<b>Total Objects</b>	<b>\$ TBD</b>	<b>\$ TBD</b>	<b>\$ TBD</b>

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WASHINGTON STATE JUDICIAL BRANCH  
2013-2015 BIENNIAL BUDGET REQUEST  
**Detailed Decision Package**

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**Agency:** Supreme Court  
**Decision Package Title:** Access to Justice Board  
**Budget Period:** 2013-2015 Biennial Budget Request  
**Budget Level:** Policy Level

**Recommendation Summary Text**

The Access to Justice Board seeks restoration of the Supreme Court's financial commitment to underwriting the operations of this Court-created body. Beginning in 2005, the Court had committed to helping the Washington State Bar Association underwrite the functions of this first-in-the-nation model Board by seeking and committing \$100,000 annually to the work of the Board. While recent cuts forced the Court to reduce its level of support, the circumstances now facing the WSBA make it impossible for the WSBA to maintain existing levels of support and dictate that the ATJ Board return to the Court for meaningful operational support.

**Fiscal Detail**

<b>Operating Expenditures</b>		<b><u>FY 2014</u></b>		<b><u>FY 2015</u></b>		<b><u>Total</u></b>
<b>Sum of All Costs</b>		\$ 100,000		\$ 100,000		\$ 200,000
<b>Staffing</b>		<b><u>FY 2014</u></b>		<b><u>FY 2015</u></b>		<b><u>Total</u></b>
<b>FTEs</b>		N/A		N/A		0

**Package Description**

**Background**

The Access to Justice Board is a policy board established by Supreme Court Order in 1994 to address improvements to the civil justice system for those with financial and other significant barriers.

With the exception of institutional location and staffing, the ATJ Board stands on an equal institutional footing with other bodies established by the Court to further equity and access to the justice system -- notably the Gender and Justice and Minority and Justice Commissions. The main difference is that the ATJ Board has been able to leverage funding from WSBA member dues and the commitment of thousands of hours

of volunteer help from hundreds of volunteers, while the other commissions have been and continue to be funded through AOC.

The Order charges the Washington State Bar Association (WSBA) with the administration of the ATJ Board, which since 1994 has included staffing support, funding for ATJ Board meetings, and related costs of administration. In FY 2005-07 the Supreme Court requested, and the Legislature approved, an appropriation of \$200,000 (\$100,000 annually) from the Supreme Court budget for the ATJ Board. The Court reduced its appropriation in FY 2009-11 to \$100,000 (\$50,000 annually). The Court further reduced its FY 11 appropriation to \$20,000. The FY 12 Supreme Court appropriation is \$5,000.

The Court's investment in the ATJ Board has produced significant gains for the courts and the administration of justice. These funds were used for a variety of significant initiatives, including implementation of the Supreme Court's Access to Justice Technology Principles; acquisition of statewide mapping technology as a planning tool; statewide planning for the efficient and effective delivery of civil legal aid services; the development of comprehensive Program Performance Standards for legal aid providers; and the translation of complex mandatory family law court forms into plain language format.

These funds did not supplant WSBA operational expenditures for ATJ Board staffing and support; rather, the Supreme Court funds enabled the ATJ Board to implement significant initiatives that could not be effectively accomplished through resources provided by WSBA. Now that WSBA is no longer in a position to carry the burden on its own, it is appropriate -- and indeed imperative -- that the judicial branch, through the Court itself or AOC, commit a small amount of funding to protect the continuity of the ATJ Board's core functions.

### **Current Situation:**

In April 2012 the members of the WSBA voted to roll back its lawyer licensing fees, resulting in a 28% cut to WSBA's budget effective October 1, 2012. Since the submission of the its Preliminary Decision Package on May 1, 2012, the ATJ Board has learned that there will not be significant cuts to the ATJ Board staff or budget in FY 2013 (October 1, 2012 – September 30, 2013). Although the Supreme Court has mandated administration of the ATJ Board by WSBA, the WSBA Board of Governors has voted to begin a dialogue with the Supreme with the Supreme Court regarding continued WSBA support of Supreme Court boards. The ATJ Board anticipates significant cuts in operational costs for the ATJ Board beginning in FY 2014. The ATJ Board has no additional funding sources.

### **Proposed Solution:**

The Supreme Court will make an annualized contribution to WSBA as a contribution to operational costs of the ATJ Board.

## Narrative Justification and Impact Statement:

- **This package contributes to the Judicial Branch Principle Policy Objectives as noted below.**

***Accessibility. Washington courts, court facilities and court systems will be open and accessible to all participants regardless of cultural, linguistic, ability-based or other characteristics that serve as access barriers.***

The ATJ Board works to address the Judicial Branch Principal Policy Objective of Accessibility: "Washington courts, court facilities and court systems will be open and accessible to all participants regardless of cultural, linguistic or ability-based or other characteristics that serve as access barriers." The ATJ Board does the work of the courts: (1) It develops court rules that improve access to those with financial and other significant barriers. (2) It works on the implementation of innovative technologies to expand access to the courts for those with access barriers. (3) It works to identify and implement innovations to expand the reach of the courts to those with access barriers. (4) It works to simplify court rules and procedures through the translation of mandatory court forms into plain language format.

Given this critical role, the Supreme Court should allocate annualized funding consistent with its support for other judicial branch policy entities, in particular the Gender and Justice and Minority and Justice Commissions, to which the ATJ Board stands on an equal institutional footing.

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## Measure detail

- **Impact on clients and services**

The ATJ Board's work has a direct impact on the courts and the administration of justice. The general mission of the ATJ Board is to improve access to the civil justice system for those with financial and other significant barriers. All of the ATJ Board's initiatives are in service of this mission.

A current priority is to complete the translation of all mandatory court forms into plain language, an effort which is viewed by many as one that will significantly demystify and make more accessible the state court system by those who cannot afford counsel and for whom complex forms are a significant barrier. The ATJ Board develops and proposes court rules that improve access to the justice system for the public, in particular those with access barriers. The ATJ Board was the originator the the Access to Justice Technology Principles now in effect under Supreme Court order. The ATJ Board provides statewide support functions to those involved in the direct delivery of client services, including: the development of performance standards; statewide planning for civil legal aid delivery; and technology innovations;

- **Impact on other state programs**

None.

- **Relationship to Capital Budget**

None.

- **Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan**  
None.

- **Alternatives explored**

The ATJ Board historically has received funding from the Supreme Court for non-operational costs for the ATJ Board. Given the anticipated inability of WSBA to fulfill its Supreme Court mandate to administer the ATJ Board, funding from the Court is a logical and consistent funding alternative.

It is unclear whether the ATJ Board should have to go through a formal process of requesting funding. The initial request was initiated to and approved by the Legislature and it became part of the base appropriation. The funding was removed not through legislative action but by administrative fiat (which cuts were understandable at the time). The ATJ Board defers to the Court as to whether the underwriting commitment is in the form of a line-item appropriation or from a reallocation of resources.

- **Distinction between one-time and ongoing costs and budget impacts in future biennia**

The expenditures are ongoing operational costs and will continue into future biennia.

- **Effects of non-funding**

The ATJ Board accomplishes its work through the efforts of 200 volunteers. Without basic infrastructure (staff, conference call capacity, etc.) to facilitate the coordination of this volunteer resource, the ATJ Board cannot effectively fulfill its mandate from the Supreme Court. Funding will enable the ATJ Board to continue its work of removing access barriers to the courts, court facilities and court systems for those with financial, cultural, linguistic and other characteristics that limit their ability to fully participate in our justice system.

### Expenditure Calculations and Assumptions

<u>Object Detail</u>	<u>FY2014</u>	<u>FY2015</u>	<u>Total</u>
Staff Costs	\$ N/A	\$ N/A	\$ 0
Non-Staff Costs	\$100,000	\$100,000	\$200,000
<b>Total Objects</b>	<b>\$100,000</b>	<b>\$100,000</b>	<b>\$200,000</b>

## 2013-2015 Court of Appeals Biennial Budget Request

	GF	JST	JIS	Total
<b>2013-2015 Carry Forward and Maintenance Level</b> Rounded (000)	<b>\$30,443,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$30,443,000</b>
<b>Policy Level Changes</b>				
Maintain Case Productivity	\$288,200	\$0	\$0	\$288,200
Court Security	\$104,000	\$0	\$0	\$104,000
<b>Total Policy Level Request</b>	<b>\$392,200</b>	<b>\$0</b>	<b>\$0</b>	<b>\$392,200</b>
<b>% by Fund</b>	<b>1.29%</b>	<b>0.00%</b>	<b>0.00%</b>	<b>1.29%</b>
<b>Total 2013-2015 Biennium</b>	<b>\$30,835,200</b>	<b>\$0</b>	<b>\$0</b>	<b>\$30,835,200</b>

WASHINGTON STATE JUDICIAL BRANCH  
**2013-2015 BIENNIAL BUDGET REQUEST**  
**Detailed Decision Package**

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**Agency:** Washington State Court of Appeals  
**Decision Package Title:** Maintain Case Resolution Productivity  
**Budget Period:** 2013-2015 Biennial Budget Request  
**Budget Level:** Policy Level

**Recommendation Summary Text**

Funding is requested for an additional court commissioner. The position is necessary to ensure that case processing remains sufficient to prevent a backlog.

**Fiscal Detail**

<b>Operating Expenditures</b>		<b><u>FY 2014</u></b>		<b><u>FY 2015</u></b>		<b><u>Total</u></b>
<b>001-1 State General Fund</b>		\$ 144,100		\$ 144,100		\$ 288,200
<hr/>						
<b>Staffing</b>		<b><u>FY 2014</u></b>		<b><u>FY 2015</u></b>		<b><u>Total</u></b>
<b>FTEs</b>		1.0		1.0		1.0

**Package Description:**

The Court of Appeals is a non-discretionary court, meaning that all case must be decided. Annual case filings have averaged over 4,200 for the last eleven years. Since 2009 the Court of Appeals budget has been reduced by 17%. Because the Court of Appeals' budget is solely dedicated to staff for case processing each reduction implemented by the legislature has resulted in the elimination of staff.

On an annual basis each Commissioner is responsible for deciding approximately:

- 50 Discretionary Reviews
- 25 Dependency/Terminations
- 25 Motions on the Merits
- 250 Rulings Terminating Review

In addition, Court Commissioners are responsible for cost bills, attorney fee rulings, and court's motion hearings.

### **Narrative Justification and Impact Statement:**

- **Describe the way in which way this package contributes to the Judicial Branch Principle Policy Objectives noted below.**

#### **Fair and Effective Administration of Justice in All Civil and Criminal Cases.**

*Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.*

Delays in case processing and decision making, caused by inadequate resource levels, adversely impact all parties involved, including children, business owners and the public.

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### **Measure detail**

- **Impact on clients and services**

Delays in case processing and decision making adversely impact children in dependency cases, the public and business in civil cases and those seeking court review of criminal cases.

- **Impact on other state programs**

If the position is not funded, other state agencies may be impacted due to delays in the decision making process.

- **Relationship to Capital Budget**

None.

- **Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan**

None.

- **Alternatives explored**

The Court of Appeals Division One has implemented a number of efficiencies in its case processing procedures as a result of previous budget reductions. The efficiencies, however, are not sufficient enough to keep pace with filings.

- **Distinction between one-time and ongoing costs and budget impacts in future biennia**

These costs are ongoing.

- **Effects of non-funding**

A case backlog will develop causing delays in case resolution.

- **Expenditure calculations and assumptions and FTE assumptions**

Costs represent the salaries and benefits of a Washington State Court of Appeals Court Commissioner.

**Expenditure Calculations and Assumptions**

<b><u>Object Detail</u></b>	<b><u>FY2014</u></b>	<b><u>FY2015</u></b>	<b><u>Total</u></b>
Staff Costs	\$144,100	\$144,100	\$288,200
Non-Staff Costs	\$ -0-	\$ -0-	\$ -0-
<b>Total Objects</b>	<b>\$144,100</b>	<b>\$144,100</b>	<b>\$288,200</b>

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WASHINGTON STATE JUDICIAL BRANCH  
**2013-2015 BIENNIAL BUDGET REQUEST**  
**Detailed Decision Package**

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**Agency:** Washington State Court of Appeals  
*Please fill in the name of your judicial branch agency*

**Decision Package Title:** Court Security

**Budget Period:** 2013-2015 Biennial Budget Request

**Budget Level:** Policy Level

**Recommendation Summary Text**

The U.S. Marshals' Office recommended implementation of perimeter security measures at the Washington State Court of Appeals Division III facility.

**Fiscal Detail**

<b>Operating Expenditures</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>Total</b>
<b>001-1 State General Fund</b>	\$ 104,000	\$ -0-	\$ 104,000
<b>Staffing</b>			
	<b>FY 2014</b>	<b>FY 2015</b>	<b>Total</b>
<b>FTEs</b>	-0-	-0-	-0-

**Package Description:**

The Court of Appeals requested the U.S. Marshal to do an assessment of the court and make a recommendation on security improvements needed. The survey was conducted and a Physical Site Survey and Security Recommendation made on November 8, 2007. The assessment covered all aspects of court security both inside and outside of the facility at 500 N Cedar Street, Spokane, WA. The report concluded that fencing is "highly recommended for this facility." The Kendall Yards development project is immediately adjacent to the court and actively adding housing units and commercial properties. The risk of malicious mischief is predicted to escalate with the rise in both vehicle and foot traffic through the area. Safety of court personnel and the public is an important consideration for all courts.

This one-time request covers the expenditures associated with the installation of a six foot iron perimeter fence around the property to control access for enhanced security. In addition, a key card rolling access gate would be installed to segregate employee parking and public parking. Separated parking will allow employees and judges to

notice 'out of place' persons and vehicles and prevent the opportunity for assault situations. Finally, one additional external perimeter security camera is needed to eliminate a blind spot in one location.

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**Measure detail**

- **Impact on clients and services**

- **Impact on other state programs**

None.

- **Relationship to Capital Budget**

None.

- **Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan**

None.

- **Alternatives explored**

The Court of Appeals Division III has operated without a perimeter guard since the purchase of the building. This is the only alternative to ensure safety of court personnel.

- **Distinction between one-time and ongoing costs and budget impacts in future biennia**

One-time cost.

- **Effects of non-funding**

Court personnel will continue to work in unsafe conditions with the likelihood of violence increasing each year.

- **Expenditure calculations and assumptions and FTE assumptions**

The amount identified is based upon a draft bid for services.

**Expenditure Calculations and Assumptions**

(Rationale for costs shown)

<b><u>Object Detail</u></b>	<b><u>FY2014</u></b>	<b><u>FY2015</u></b>	<b><u>Total</u></b>
Non-Staff Costs	\$104,000	\$ -0-	\$104,000
<b>Total Objects</b>	<b>\$104,000</b>	<b>\$ -0-</b>	<b>\$104,000</b>

## 2013-2015 Law Library Biennial Budget Request

	GF	JST	JIS	Total
<b>2013-2015 Draft Carry Forward and Maintenance Level</b> Rounded (000)	<b>\$2,954,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$2,954,000</b>
 <b>Policy Level Changes</b>				
No Policy Requests at this time	\$0	\$0	\$0	\$0

## 2013-2015 Office of Public Defense Biennial Budget Request

	GF	JST	JIS	Total
<b>2013-2015 Draft Carry Forward and Maintenance Level Rounded (000)</b>	<b>\$54,163,000</b>	<b>\$4,368,000</b>	<b>\$0</b>	<b>\$58,531,000</b>
Caseload Maintenance***	\$684,000	\$0	\$0	\$684,000
<b>Policy Level Changes</b>				
Parent's Representation Program	\$7,697,000	\$0	\$0	\$7,697,000
Washington Defender Association	\$200,000	\$0	\$0	\$200,000
<b>Total Policy Level Request</b>	<b>\$8,581,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$8,581,000</b>
<b>% by Fund</b>	<b>15.84%</b>	<b>0.00%</b>	<b>0.00%</b>	<b>14.66%</b>
<b>Total Biennium</b>	<b>\$62,744,000</b>	<b>\$4,368,000</b>	<b>\$0</b>	<b>\$67,112,000</b>

\*\*\*This request will be submitted as a Maintenance Level Request. The item is being shown due to the large dollar amount being requested.

WASHINGTON STATE JUDICIAL BRANCH  
2013-2015 BIENNIAL BUDGET REQUEST

**Preliminary Decision Package**

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**Agency:** Office of Public Defense

**Decision Package Title:** Caseload Maintenance

**Budget Period:** 2013 – 2015 Biennium

**Budget Level:** Maintenance Level

**Agency Recommendation Summary Text**

Caseload maintenance requests have not been received since the 2005-2007 biennium. The US Inflation calculator (using the latest US Government CPI data released March 16, 2012) indicates a 5.7% increase from 2008 through 2012. A 3% increase is requested to maintain current caseloads for both the Appellate and Parent's Representation Programs.

**Fiscal Detail**

<b>Operating Expenditures</b>	<b><u>FY 2014</u></b>	<b><u>FY 2015</u></b>	<b><u>Total</u></b>
<b>001-1 State General Fund</b>	<b>\$342,000</b>	<b>\$342,000</b>	<b>\$684,000</b>
<b>Staffing</b>	<b><u>FY 2014</u></b>	<b><u>FY 2015</u></b>	<b><u>Total</u></b>
<b>FTEs</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

**Package Description**

Contractor rates have not been adjusted for maintenance or other purposes since 2007. When rates were adjusted in 2007, they were set at levels that were minimally adequate at that time but no longer cover mandatory business costs.

Recently, firms with OPD contracts have advised the agency that they are approaching precarious financial shape due to their increased business costs, and in some counties, attorneys have indicated that they can no longer afford to work under an OPD contract.

**Narrative Justification and Impact Statement**

**Reason for Change**

This maintenance increase is necessary to maintain constitutionally required effective assistance of counsel for indigent clients by OPD contractors. Without the maintenance

increase, OPD expects to lose additional qualified contractors who are unable at the current compensation rates to meet the state’s minimum performance standards.

- **Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan**
- **Alternatives explored**
- **Budget impacts in future biennia**
- **Distinction between one-time and ongoing costs**
- **Effects of non-funding**

**Expenditure Calculations and Assumptions**

<b>Object Detail</b>	<b><u>FY 2014</u></b>	<b><u>FY 2015</u></b>	<b><u>Total</u></b>
Staff Costs	\$-0-	\$-0-	\$-0-
Non-Staff Costs	\$342,000	\$342,000	\$684,000
<b>Total</b>	<b>\$342,000</b>	<b>\$342,000</b>	<b>\$684,000</b>

WASHINGTON STATE JUDICIAL BRANCH  
2013-2015 BIENNIAL BUDGET REQUEST

**Preliminary Decision Package**

**Agency:** Office of Public Defense

**Decision Package Title:** Parents Representation Program

**Budget Period:** 2013 – 2015 Biennium

**Budget Level:** Policy Level

**Agency Recommendation Summary Text**

Funds are requested to expand the Parents Representation Program, which provides adequate legal representation for parents in dependency and termination cases, to all juvenile courts.

**Fiscal Detail**

<b>Operating Expenditures</b>		<b><u>FY 2014</u></b>		<b><u>FY 2015</u></b>		<b><u>Total</u></b>
<b>001-1 State General Fund</b>		<b>\$760,000</b>		<b>\$6,937,000</b>		<b>\$7,697,000</b>
<b>Staffing</b>						
		<b><u>FY 2014</u></b>		<b><u>FY 2015</u></b>		<b><u>Total</u></b>
<b>FTEs</b>		-0-		-0-		-0-

**Package Description**

Funds are requested to complete the phase-in of the Parents Representation Program in all counties during FY 2015. The agency estimates that 50 more attorneys and accompanying resources and support staff are needed in order to provide adequate parental representation throughout Washington.

**Narrative Justification and Impact Statement**

- **This package contributes to the objectives for justice as noted below.**

**Access to Necessary Representation.**

*Constitutional and statutory guarantees of the right to counsel shall be effectively implemented.*

**Fair and Effective Administration of Justice in All Civil and Criminal Cases.**

*Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.*

OPD's enabling statute, RCW 2.70, establishes that the agency shall "administer all state-funded services ... (for) representation of indigent parents qualified for

appointed counsel in dependency and termination cases, as provided in RCW 13.34.090 and 13.34.092.” In 2005, the Legislature declared in SB 5454 that “the legislature recognizes the state’s obligation to provide adequate representation...to parents in dependency and termination cases.” Since 2000, under legislative direction, OPD has worked to identify major problems with Washington’s provision of counsel for indigent parents in dependency and termination cases, and has established the Parents Representation Program to address these problems.

- **Reason for change**

Under Washington law, indigent parents in dependency and termination cases are guaranteed the right to counsel. The appellate courts have declared that the quality of legal representation provided by government must be of adequate quality. Over the past twelve years, OPD has proved there is a compelling statewide need for the Parents Representation Program. In the 14 counties lacking OPD’s program today, many parents are receiving substandard representation, despite these clear legal requirements.

In 2005, the Legislature recognized the state’s obligation to provide adequate representation for indigent parents involved in dependency and termination cases, and funded an expansion of the OPD Parents Representation Program to 13 counties. In 2006, the Legislature expanded the program to another five counties, and in 2007, to an additional seven counties. The program now covers approximately 65% of Washington’s dependency cases involving indigent parents.

Thus, about one-third of the children and their parents who are involved in dependencies and terminations still suffer emergent need for this program. These cases not infrequently result in the permanent severance of their relationship to each other for all purposes. Program evaluations have shown that parents who are afforded the Parents Representation Program are substantially more likely to succeed in their cases, saving their families and meeting the intent of our child welfare laws.

Evaluations of case outcomes have consistently shown improved reunification rates. In addition, a 2011 University of Washington study of the program found that the program significantly speeds earlier permanency for children.

OPD proposes a phased implementation of the remaining counties over the 2013-2015 biennium. These include Whatcom, San Juan, Island, King, Lewis, Okanogan, Douglas, Lincoln, Adams, Whitman, Walla Walla, Colombia, Garfield, and Asotin. The first year, the program would be implemented in two or three counties with the most demonstrated emergent need, on January 1, 2014. Whatcom County would be included in this group; DSHS’s high filing rate there is continuing and the system remains stressed. On January 1, 2015, OPD would expand the program to the remaining counties.

- **Impact on clients and services**

Implementation of this program statewide meets the state’s legal mandates, both constitutional and statutory, to ensure that effective counsel is appointed for indigent parents in dependency and termination cases. The courts will be able to more effectively hold parents accountable for participating actively in services and the cases because their attorneys ensure that they have timely and clear opportunities to do so. Program attorneys will hold all parties accountable for providing services that have been ordered by the court for parents.

- **Impact on other state programs**

Each year that the program exists, the cumulative alternate care savings it creates increase as a result of higher numbers of reunifications. Additionally, it is anticipated that when the program is expanded statewide, many more foster care beds will be made available for needy children. Foster care and caseload reductions generated by the program will be substantial.

- **Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan**
- **Alternatives explored**
- **Budget impacts in future biennia**
- **Distinction between one-time and ongoing costs**
- **Effects of non-funding**

**Expenditure Calculations and Assumptions**

<b>Object Detail</b>		<b><u>FY 2014</u></b>		<b><u>FY 2015</u></b>		<b><u>Total</u></b>
Staff Costs		\$-0-		\$-0-		\$-0-
Non-Staff Costs		\$760,000		\$6,937,000		\$7,697,000
<b>Total</b>		<b>\$760,000</b>		<b>\$6,937,000</b>		<b>\$7,697,000</b>

WASHINGTON STATE JUDICIAL BRANCH  
2012 SUPPLEMENTAL BUDGET REQUEST

**Detailed Decision Package**

**Agency:** Office of Public Defense

**Decision Package Title:** Immigration Consequences Advisement

**Budget Period:** 2013 – 2015 Biennium

**Budget Level:** Policy Level

**Agency Recommendation Summary Text**

Due to recent changes in case law, an expansion of the Washington Defender Association’s immigration consequences program is required. The program makes possible the provision of effective assistance of counsel by public defense attorneys, which is constitutionally mandated.

**Fiscal Detail**

<b>Operating Expenditures</b>		<b><u>FY 2014</u></b>		<b><u>FY 2015</u></b>		<b><u>Total</u></b>
		<b>\$100,000</b>		<b>\$100,000</b>		<b>\$200,000</b>
<b>001-1 State General Fund</b>						
<b>Staffing</b>		<b><u>FY 2012</u></b>		<b><u>FY 2013</u></b>		<b><u>Total</u></b>
<b>FTEs</b>		<b>-0-</b>		<b>-0-</b>		<b>-0-</b>

**Package Description**

The U.S. and Washington supreme courts decided cases in 2010 and 2011 that require public defense attorneys to advise their noncitizen clients of the immigration consequences of convictions. Since then, the immigration consequences program maintained by Washington Defender Association has been inundated by public defense attorney requests for assistance in meeting this requirement, and funding for another attorney is needed.

**Narrative Justification and Impact Statement**

Washington Defender Association (WDA) is a resource agency for Washington’s 1,200-plus public defense attorneys. For many years, WDA has received state funding for basic services that promote the effective assistance of public defense counsel, which is constitutionally mandated. One of WDA’s services is its Immigration Project, which provides case-by-case assistance to criminal defense counsel representing noncitizens accused of crimes. The laws regarding immigration consequences are numerous and

extremely convoluted. The services of the WDA Immigration Project are unique; no other immigration advisement service is available to public defenders.

In 2010, the U.S. Supreme Court decided *Padilla v. Kentucky*, holding that noncitizen defendants in criminal cases must be afforded an accurate advisement of the effect of conviction on their deportation status. In 2011, the Washington Supreme Court decided *State v. Sandoval*, holding that the *Padilla* decision must be followed and that the public defense attorney's advice in the case prejudiced the defendant. Under both these cases, a defense attorney's failure to render proper advisement regarding immigration consequences is ineffective assistance of counsel, requiring reversal of a conviction.

- **Reason for Change**

Since *Padilla*, WDA's immigration case consultation requests have increased exponentially. In FY 2007-8, there were 845 public defender requests; in FY 2011-12, more than 3,000 requests.

Due to the critical and emergent nature of these requests, the WDA Board of Directors committed to using reserves for FY 2012-13 to hire a new full-time attorney for the project for one year. However, WDA cannot sustain the position for more than one year through its extremely restricted reserves. Without additional funding, the new attorney will be let go and the project will be forced to turn down many hundreds of public defender requests beginning in FY 14.

- **Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan**

None

- **Alternatives explored**

n/a

- **Distinction between one-time and ongoing costs**

The costs will be ongoing.

- **Effects of non-funding**

Public defense attorneys throughout Washington will be unable to provide accurate immigration consequences advisements to their noncitizen clients. An undetermined number of legal immigrants who do not understand the consequences of criminal charges against them will unknowingly make case decisions that will result in their deportation. Ineffective assistance of counsel appeals will increase, as will remanded trial level cases.

### **Expenditure Calculations and Assumptions**

<b><u>Object Detail</u></b>	<b><u>FY2014</u></b>	<b><u>FY2015</u></b>	<b><u>Total</u></b>
Staff Costs	\$ -0-	\$ -0-	\$ -0-
Non-Staff Costs	\$100,000	\$100,000	\$200,000
<b>Total Objects</b>	<b>\$100,000</b>	<b>\$100,000</b>	<b>\$200,000</b>

## 2013-2015 Office of Civil Legal Aid Biennial Budget Request

	GF	JST	JIS	Total
<b>2013-2015 Draft Carry Forward and Maintenance Level</b> Rounded (000)	<b>\$21,592,000</b>	<b>\$2,073,000</b>	<b>\$0</b>	<b>\$23,665,000</b>
<b>Policy Level Changes</b>				
Mitigate Client Service Capacity Losses	\$2,800,000	\$0	\$0	\$2,800,000
<b>Total Policy Level Request</b>	<b>\$2,800,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$2,800,000</b>
<b>% by Fund</b>	<b>12.97%</b>	<b>0.00%</b>	<b>0.00%</b>	<b>11.83%</b>
<b>Total 2013-2015 Biennium</b>	<b>\$24,392,000</b>	<b>\$2,073,000</b>	<b>\$0</b>	<b>\$26,465,000</b>



volunteer attorneys help a relatively small percentage of low income people who need civil legal advice or representation with respect to matters that affect basic human needs (e.g., housing preservation, family safety and security, access to essential governmental benefits for which there is a legal claim of entitlement).

Over the past three years the legal aid system has lost more than \$3 million in combined state and federal funding. This is in addition to the loss of \$5 million per year (more than \$20 million cumulative) in average levels of funding from the Supreme Court-established Interest on Lawyer's Trust Account (IOLTA) program.

The state-funded Northwest Justice Project has lost 18% of its basic client service capacity. An additional five FTE positions were protected from being lost as a result of the Legislature's action in the FY 2011-13 supplemental budget. Three of the most rural and remote areas of the state (the Olympic Peninsula, Grays Harbor and Pacific Counties and Walla Walla/Columbia/Garfield/Asotin Counties) now operate with a single legal aid attorney. This level of staffing falls below the minimum legal aid presence objectives established by the Supreme Court's Access to Justice Board in its 2006 State Plan and is not operationally sustainable over extended periods of time. In addition to the losses experienced in these regions, staffed legal aid delivery capacity has been downgraded elsewhere throughout the state, leaving attorney-to-eligible client ratios at historically low levels in key parts of the state. Staffing reductions at the centralized legal aid education, advice and referral program (CLEAR) resulted in 2,000 fewer state-eligible clients being served in 2011 than had been served in 2010. In total, 18.5 FTE attorney positions have been lost at NJP.

Funding cuts have also eroded the capacity of state-funded local volunteer legal aid programs to recruit, train, and deploy volunteer attorneys to meet overwhelming client demand, and have reduced the ability of small, specialized legal aid providers to meet crushing demand resulting from the Great Recession and its aftermath. In the face of these cuts, Alliance member organizations recently convened to discuss, among other things, potential new efficiencies that might be achieved by centralizing a number of fiscal and administrative functions, unifying or pooling certain expenses, and enhancing other critical statewide infrastructure that supports the ability of programs and program staff to focus more time on primary client service delivery responsibilities.

Additional information on client demand trends, impacts of federal cuts and statewide staffing is attached.

### **Current situation**

Demand for civil legal aid services continues to grow to unprecedented levels. More than 267,000 individual calls were placed to the statewide legal aid hotline (CLEAR) in 2011. Demand in recession sensitive areas of law -- housing, foreclosure, help with governmental support programs, domestic violence and family safety -- outpaced growth in all other areas.

NJP's core client service delivery footprint has been reduced by 18% over the past three years. The prospective loss of an additional 5 FTE attorneys due to deep federal cuts has been stayed as a result of recent legislative action.

While state funding appears to have stabilized, cuts to federal support for the Legal Services Corporation in 2011 and 2012 have reduced total funding for the Northwest Justice Project by \$1,300,000/year (\$2.6 million biennially). These cuts are continuing in nature. Further, unless suspended, additional automatic cuts triggered by the congressional failure to achieve a debt reduction solution last November will result in an additional 9% reduction to LSC in 2013. This will result in the loss of an additional \$756,500 million in LSC funding during the coming biennium. For more on the automatic sequestration, go to <http://www.cbo.gov/taxonomy/term/124/all>

Finally, depending on the election results, there is a very real possibility that efforts will be made to eliminate funding for the Legal Services Corporation altogether. Efforts to accomplish this objective occurred in the House of Representatives this past May, but were unsuccessful. LSC funding now accounts for about 32% of NJP's funding base, and is the resource upon which the foundation of the state-funded legal aid system has been constructed. Uncertainty regarding the future of federal funding for civil legal aid has not been this high since the mid-1990's. Should federal funding be substantially reduced for 2013, OCLA will consult with the Civil Legal Aid Oversight Committee, the Supreme Court and the Access to Justice Board, and revise this decision package to protect the core of the statewide legal aid delivery system.

### **Proposed solution**

This policy level request assumes federal funding continues at current appropriated levels and that the JSTA funding is either backfilled or that the JSTA sunset is extended.

The request is designed to restore twelve (12) of the 18.5 FTE attorney positions that were lost to combined federal and state budget reductions in recent years.

A portion of the requested funding will be used to restore minimum 2-FTE staffing levels in field offices in some of the most rural and remote portions of the state which are now operating with a single attorney. Most of the funding will be used to restore client service capacity in King County and other urban and urban/rural regions suffering from a disproportionate lack of legal aid staffing due, in large part, to the protection of client service capacity in the most rural and remote areas of the state. (Note: The ratio of state-funded attorneys to eligible clients at or below 125% of poverty is now 1:25,000 in King County and 1:27,000 in Pierce County and compares to 1:7,000 in Ferry, Stevens & Pend Oreille Counties, 1:5,650 in Okanogan County and 1:8,800 in Cowlitz and Wahkiakum Counties). Additional funds may also be used to restore some of the capacity at the statewide legal aid hotline (CLEAR) lost due to the cuts.

A small portion of the funding (\$200,000 per year) will be used to upgrade critical statewide support infrastructure, achieve new efficiencies through the centralization of key fiscal, administrative and client service support services -- including pooled health care insurance acquisition and the purchase of bulk access to language line/interpreter

services for state-funded legal aid programs -- and provide other support necessary to ensure the capacity of all state-funded programs to deliver high quality legal aid services consistent with the Access to Justice Board's Performance Standards for Legal Aid while maximizing operational efficiencies.

## **Narrative Justification and Impact Statement**

### **Reason for change**

Recent cuts and corresponding staffing losses have seriously compromised the ability of the civil legal aid system in general, and NJP in particular, to maintain workable presence in both urban and rural parts of the state. Current staffing levels are not sustainable over the long term. Staffing levels must be stabilized and staff-to-client population ratios need to be normalized.

Under the auspices of the Access to Justice Board's Delivery Systems Committee, pro bono and specialty legal aid providers, with the support of NJP, OCLA and the Legal Foundation of Washington, have embarked on new efforts to find efficiencies in organizational operations, reduce administrative redundancies, explore pooled purchasing of services and support, and enhance overall client service relevancy, especially for those clients who experience cultural and linguistic access barriers. These efforts must be supported in order to realize their objectives.

### **Impact on clients and services?**

Funding of this request will protect critical legal aid delivery service infrastructure and capacity, the ability to maintain meaningful presence in key rural and isolated areas, achieve proportionate levels of client service capacity in urban and other regional centers, and stabilize the system at a time when clients continue to experience civil legal problems at unprecedented levels.

### **Impact on other state programs?**

In addition to meeting the critical justice needs of eligible clients, timely and effective civil legal aid – whether provided by a staffed legal aid attorney or a cooperating volunteer -- solves problems that, if left unaddressed, often result in greater demand for state services or the expenditure of other scarce governmental resources. For example, legal assistance to secure protection from a domestically violent relationship can reduce demand on law enforcement and court services; legal assistance that protects a displaced worker's claim for unemployment insurance protects that worker's family security, housing and income stability while the worker seeks new employment; legal assistance that preserves a family's housing reduces demands on local and state homeless assistance; legal assistance that helps a returning veteran secure access to essential mental health services through the Veteran's Administration reduces demand on state services; legal assistance that secures appropriate special educational services for a failing student could help avoid that student's potential involvement in the juvenile justice system; legal help that results in securing a low income individual's eligibility for federal income and medical assistance programs results in less demand for scarce state-funded services.

**What alternatives were explored and why was this alternative chosen?**

With federal funding in steep decline and IOLTA funding still hovering at historically low levels, and with volunteer attorney programs operating with skeletal staff and support, there is no alternative but to seek a modest increase in state funding to protect the state-funded legal aid system from failing in key parts of the state.

**What are the consequences of not funding this package?**

NJP's present footprint is not sustainable. Absent additional funding, its ability to maintain presence in areas served by one-attorney offices will have to be reconsidered. Urban client service capacity continues to operate at less than 50% of rural capacity based on the ratio of FTE attorneys to the eligible client population. This disproportionately affects low income minority populations which are overrepresented in urban centers like Seattle and Tacoma. Finally, failure to fund incremental efforts to enhance, streamline and unify key delivery system support functions will perpetuate legal aid delivery system redundancies and inefficiencies and systemic problems that compromise the capacity of all state-funded providers to consistently deliver high quality, culturally and linguistically relevant services.

**What is the relationship, if any, to the state's capital budget?**

None

**Expenditure Calculations and Assumptions**

(Rationale for costs shown)

<b><u>Object Detail</u></b>	<b><u>FY2014</u></b>	<b><u>FY2015</u></b>	<b><u>Total</u></b>
Staff Costs	\$0	\$0	\$0
Non-Staff Costs	\$1,400,000	\$1,400,000	\$2,800,000
<b>Total Objects</b>	<b>\$1,400,000</b>	<b>\$1,400,000</b>	<b>\$2,800,000</b>

**2013-2015 Administrative Office of the Courts Biennial Budget Request**

	<u>GF</u>	<u>JST</u>	<u>JIS</u>	<u>Total</u>
<b>2013-2015 Draft Carry Forward and Maintenance Level</b>	<b>\$0</b>	<b>\$0</b>	<b>\$42,362,000</b>	<b>\$42,362,000</b>
<b>Rounded (000)</b>				
<b>Internal Requests-JIS</b>				
Superior Court Case Management	\$0	\$0	\$11,300,000	\$11,300,000
JIS Multi Projects Fund	\$0	\$0	\$2,000,000	\$2,000,000
Information Networking Hub (INH)	\$0	\$0	\$1,500,000	\$1,500,000
Internal Equipment Replacement	\$0	\$0	\$2,138,000	\$2,138,000
External Equipment Replacement	\$0	\$0	\$1,199,000	\$1,199,000
Electronic Document Management System Ongoing Support	\$0	\$0	\$333,000	\$333,000
<b>Total Policy Level Requests-JIS</b>	<b>\$0</b>	<b>\$0</b>	<b>\$18,470,000</b>	<b>\$18,470,000</b>
<b>% by Fund</b>	<b>0.00%</b>	<b>0.00%</b>	<b>43.60%</b>	<b>43.60%</b>
<b>Total 13-15 Biennium</b>	<b>\$0</b>	<b>\$0</b>	<b>\$60,832,000</b>	<b>\$60,832,000</b>

WASHINGTON STATE JUDICIAL BRANCH  
**2013-2015 BIENNIAL BUDGET REQUEST**  
**Detailed Decision Package**

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**Agency:** Administrative Office of the Courts

**Decision Package Title:** Superior Court Case Management System (SC-CMS)

**Budget Period:** 2013-2015 Biennial Budget Request

**Budget Level:** Policy Level

**Recommendation Summary Text**

This request seeks funding to continue with the implementation of the new Commercial Off The Shelf (COTS) Case Management System for the superior courts. Funding is needed to complete Phase 2 (Statewide Configuration and Validation), begin Phase 3 (Local Implementation Preparation), begin Phase 4 (Pilot Implementation), and begin Phase 5 (Statewide Rollout) of the project.

**Fiscal Detail**

<b>Operating Expenditures</b>	<b><u>FY 2014</u></b>	<b><u>FY 2015</u></b>	<b><u>Total</u></b>
<b>543-1 Judicial Information Systems Acct</b>	<b>\$ 4,795,000</b>	<b>\$ 6,505,000</b>	<b>\$ 11,300,000</b>
<b>Staffing</b>	<b><u>FY 2014</u></b>	<b><u>FY 2015</u></b>	<b><u>Total</u></b>
<b>FTEs</b>	22.0	22.0	22.0

**Package Description:**

This request, which is a continuation of funding approved for the 2011-2013 biennium, is supported by the Judicial Information System Committee (JISC), Superior Court Judges Association (SCJA), Association of Washington Superior Court Administrators (AWSCA), Washington State Association of County Clerks (WSACC), and the Administrative Office of the Courts.

Under the direction of the JISC, the purpose of the Superior Court Case Management System (SC-CMS) project is to procure and implement a software application that will support the business functions of state superior courts and county clerks by acquiring and deploying a SC-CMS to courts throughout the state. The SC-CMS will specifically support calendaring and caseflow management functions, along with participant/party

information tracking, case records and relevant disposition service functions in support of judicial decision-making, scheduling, and case management.

### **Current Situation**

The SC-CMS project has been underway since July 2011. Changes in project schedules have resulted in some minor differences for the next biennium relative to the original feasibility study prepared by MTG Consultants.

### **Proposed Solution**

It was determined by the JISC that the purchase of a Commercial Off-the-Shelf (COTS) solution for court case management would be most cost-effective and prudent. The COTS solution would then be configured to support standardized court processes.

### **Reason for Change**

The current Superior Court Management Information System (SCOMIS) is 35 years old. While it does what it was designed to do and was considered state-of-the-art technology when it was implemented, court business and technology needs have evolved considerably. The vision of the SC-CMS provides a number of desired functions that are designed to address the business improvement needs of the courts. Improved and expanded capabilities will include increased capability for data management, access, and distribution; more robust calendar management and statistical reporting capabilities; enhanced business process automation and management; and improved service to partners and the public. Funding also is requested for work on infrastructure and applications in anticipation of the COTS system installation.

### **Narrative Justification and Impact Statement**

**This package contributes to the Judicial Branch Principle Policy Objectives as noted below.**

**Fair and Effective Administration of Justice in All Civil and Criminal Cases. *Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.***

The mission of the Administrative Office of the Courts is to support the courts in the fair and effective administration of justice, providing centralized administration, fiscal services, and *technology support* for all of the courts, trial and appellate. Managing technology to ensure that information systems are current and the data is secure and available is a key to continuing to maintaining the 'right to justice' in all cases.

**Accessibility. *Washington courts, court facilities and court systems will be open and accessible to all participants regardless of cultural, linguistic, ability-based or other characteristics that serve as access barriers.***

With an average of more than one court filing for every three citizens in Washington State, the need for services provided by Washington courts is vast. The SC-CMS project will be a major force in making Washington court data available to all. Legacy systems at the superior court level will be modernized to facilitate communication of

core court information. Faster, more flexible access to information will reduce delays and assist judicial decision-makers impacted by the loss of judicial staff in the current economic crisis.

**Commitment to Effective Court Management. *Washington courts will employ and maintain systems and practices that enhance effective court management.***

Under the SC-CMS project, there will be a significant review of court operations. To facilitate this review and to offer support and specialized services to courts implementing the new system, the Administrative Office of the Courts has established a Court Business Office (CBO) as part of the SC-CMS project. In addition to the enhanced service provided, the unit will work to establish ways in which all courts may benefit from shared processes and information.

**Appropriate Staffing and Support. *Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported.***

The mission of the Administrative Office of the Courts is to “advance the efficient and effective operation of the Washington judicial system. Without modern infrastructure and the most current technology, the courts cannot be managed effectively.

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**Measure detail**

• **Impact on clients and services**

In addition to serving as the statewide court case management system, the existing Judicial Information System (JIS) provides essential information to several state agencies, local law enforcement entities, prosecutors, criminal justice partners, and the public. The JIS is responsible for accurately tracking, recording and distributing over \$240 million per year in state and local revenues (excluding restitution and other “trust” monies).

Implementation of a new Superior Court calendaring and case management system will provide:

- Enhanced data-sharing capabilities.
  - Cost avoidance through the elimination of redundant data entry.
  - Error reduction through training, standardization of business practices, and value-limited data entry fields.
  - Flexibility to meet new and emerging business needs
  - Improved tracking and analysis capabilities.
- **Impact on other state programs**
- Other state entities will benefit from the enhanced efficiency and effectiveness of AOC operations. Vital information from the courts is provided through AOC to the Washington State Patrol, Department of Corrections, Office of the Secretary of

State, Sentencing Guidelines Commission, Department of Licensing, local law enforcement agencies, Federal government, prosecutors and defense attorneys.

- **Relationship to Capital Budget**

None.

- **Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan**

None.

- **Alternatives explored**

Several significant alternatives were explored in the course of the SC-CMS feasibility study completed by Management Technologies Group (MTG) in January 2012. The four alternatives were:

1. Statewide use of the Pierce County Legal Information Network Exchange (LINX) application as an SC-CMS.
2. Acquisition of a commercial application focused on calendaring, scheduling, and caseflow management for the superior courts.
3. Acquisition and *central* implementation of a full-featured commercial application to provide calendaring, scheduling, case flow management, and other record-keeping functions for the superior courts
4. Acquisition and *local* implementation of a full-featured commercial application to provide calendaring, scheduling, case flow management, and other record-keeping functions for the superior courts.

The option recommended by the feasibility study was option 3.

- **Distinction between one-time and ongoing costs and budget impacts in future biennia**

A portion of the costs identified in this request will continue into future biennia. Both one-time and ongoing costs are distinctly identified within the cost study on which this decision package request relies. Cost study documentation is included with this decision package.

- **Effects of non-funding**

Negative effects of non-funding would include the following:

- Delay or elimination of productivity gains made by replacing legacy software.
- Additional functionality, such as new or modified case types, would not be incorporated into the legacy system.
- Sentence and disposition information would remain at the case level.
- Human resource scheduling would remain a manual effort.
- Maintenance costs would continue to increase.
- Individual courts will pursue stand-alone systems, thereby further fragmenting the system and increasing costs statewide.

- **Expenditure calculations and assumptions and FTE assumptions**

Cost calculations and assumptions are based upon the model of the recommended alternative provided by MTG, the feasibility study consultant. There have been modifications, including minor corrections in the project FTE resources needed; a delay in the project schedule; \$3M for COTS preparation; and ongoing maintenance level costs.

**Expenditure Calculations and Assumptions**

Please refer to the assumptions tab (tab 16) in the 2012-05-29 SC-CMS Cost Plan spreadsheet included with this package.

<b><u>Object Detail</u></b>	<b><u>FY2014</u></b>	<b><u>FY2015</u></b>	<b><u>Total</u></b>
Staff Costs	\$2,263,000	\$2,228,000	\$4,491,000
Non-Staff Costs	\$2,532,000	\$4,277,000	\$6,809,000
<b>Total Objects</b>	<b>\$4,795,000</b>	<b>\$6,505,000</b>	<b>\$11,300,000</b>

DRAFT

WASHINGTON STATE JUDICIAL BRANCH  
2013-2015 BIENNIAL BUDGET REQUEST

**Detailed Decision Package**

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**Agency:** Administrative Office of the Courts

**Decision Package Title:** Judicial Information Systems (JIS)  
Multi-Project Funding

**Budget Period:** 2013-2015 Biennial Budget Request

**Budget Level:** Policy Level

**Recommendation Summary Text**

This purpose of this request is to secure funding for small and medium-sized information technology projects. Funds would be allocated by the Judicial Information Systems Committee (JISC) according to priorities established by the JISC through the Information Technology Governance process. This flexibility will allow the JISC to respond quickly to requests which would provide new or enhanced functionality to the Washington Courts.

**Fiscal Detail**

Operating Expenditures	<u>FY 2014</u>	<u>FY 2015</u>	<u>Total</u>
543-1 Judicial Information Systems Acct	\$ 820,000	\$ 1,180,000	\$ 2,000,000
<b>Staffing</b>			
	<u>FY 2014</u>	<u>FY 2015</u>	<u>Total</u>
FTEs	0	0	0

**Package Description:**

This request, which is supported by the JISC, all levels of Washington Courts, customer user groups and associations, and the Administrative Office of the Courts (AOC), will allow the JISC to be responsive to the broad Information Technology (IT) needs of the courts. The JISC would allocate funding for small or medium-sized IT efforts based on the IT Governance process which prioritizes the IT needs of the Washington Courts.

**Current Situation**

The JIS Multi-Projects Fund was used during the 2011-2013 biennium to develop the Electronic Document Management System (EDMS) for the Appellate Courts; the Adult Static Risk Assessment (ASRA) for the trial courts; and other small to medium-sized IT projects.

## **Proposed Solution**

Funding the JIS projects request for the 2013-2015 Biennium will allow the JISC to continue to authorize short- term governance requests for new small to medium projects, system upgrades and changes. The JISC will prioritize IT Governance requests and allocate funding based on priorities established within the IT Governance process. This funding will be used for small to medium projects that can be completed in one year or less, or to begin the first stages of larger approved project efforts. This funding could be used for projects such as a feasibility study to replace the Judicial Receiving System (JRS), integration between the current Judicial Information Systems and a juvenile risk assessment tool, a feasibility study for a Courts of Limited Jurisdiction (CLJ) Case Management System(CMS), and/or providing the ability for courts to view documents from all other state courts.

Costs for project management oversight from the ISD Project Management Office (PMO) will be absorbed within existing resources.

## **Reason for Change**

Specific projects will be requested by the Washington court community and selected by JISC under the IT Governance process.

## **Narrative Justification and Impact Statement:**

- **This package contributes to the Judicial Branch Principle Policy Objectives as noted below.**

**Fair and Effective Administration of Justice in All Civil and Criminal Cases. *Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.***

Effective administration of justice depends to a large degree on the ability to deliver services quickly. This request will serve all court levels and is designed to expedite the response to technology problems and issues for Washington court customers.

**Commitment to Effective Court Management. *Washington courts will employ and maintain systems and practices that enhance effective court management.***

This JIS multi-project funding will ensure that technology needs of the courts are effectively met.

## **Measure Detail**

- **Impact on clients and services**  
This funding allows for expedient funding cycle and ability to start projects quickly. This provides the flexibility to address the business needs of the Washington Courts with small projects to rapidly deliver improvements to the systems used by court staff.

- **Impact on other state programs**  
None
- **Relationship to Capital Budget**  
None.
- **Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan**  
None.
- **Alternatives explored**  
None.
- **Effects of non-funding**  
Without this funding, overall project delivery times will be extended.

**Expenditure Calculations and Assumptions**

<b><u>Object Detail</u></b>	<b><u>FY2014</u></b>	<b><u>FY2015</u></b>	<b><u>Total</u></b>
Staff Costs	\$0	\$0	\$0
Non-Staff Costs	\$820,000	\$1,180,000	\$2,000,000
<b>Total Objects</b>	<b>\$820,000</b>	<b>\$1,180,000</b>	<b>\$2,000,000</b>

WASHINGTON STATE JUDICIAL BRANCH  
**2013-2015 BIENNIAL BUDGET REQUEST**  
**Detailed Decision Package**

---

**Agency:** Administrative Office of the Courts  
**Decision Package Title:** Information Networking Hub (INH)  
**Budget Period:** 2013-2015 Biennial Budget Request  
**Budget Level:** Policy Level

**Recommendation Summary Text**

This is a request for funds to continue with the development and implementation of the Information Networking Hub (INH) to provide a comprehensive set of bi-directional data exchanges in real-time to meet the data exchange needs of the courts, as well as providing a central data repository for court data.

**Fiscal Detail**

<b>Operating Expenditures</b>		<b><u>FY 2014</u></b>		<b><u>FY 2015</u></b>		<b><u>Total</u></b>
<b>543-1 Judicial Information Systems Acct</b>		<b>\$ 850,000</b>		<b>\$ 650,000</b>		<b>\$ 1,500,000</b>
<b>Staffing</b>						
		<b><u>FY 2014</u></b>		<b><u>FY 2015</u></b>		<b><u>Total</u></b>
<b>FTEs</b>		0		0		0

**Package Description:**

This request is supported by the Judicial Information Systems Committee (JISC) and the Administrative Office of the Courts (AOC).

Data exchanges supporting court business processes can best be accommodated through the development of a secure, centralized messaging hub and shared data repository accessible to courts across the state.

These data exchanges will improve standardization of court business and technology processes and data quality through the use of the National Information Exchange Model (NIEM) standards. By providing access to real-time justice information across the state from a central repository, judicial information will be improved.

## **Current Situation**

There is no existing unified architecture to facilitate the exchange of messages and data between disparate court information systems across the state. There is no single statewide data repository for judicial information.

## **Proposed Solution**

The INH will develop and implement an enterprise data exchange solution that will use modern technologies to support a comprehensive set of data exchanges and provide a single central data repository for storing statewide shared justice data among multiple court systems and other judicial partners.

## **Reason for Change**

The INH data exchange capability was requested by the Washington court community. Other court system modernization efforts are dependent on the availability of the INH platform to support data exchanges and establish the capability to share data across all courts and judicial partners. It will create the technical infrastructure to provide optimal data exchange development, deployment and operations, while ensuring the security of information and data quality provided in near real-time.

## **Narrative Justification and Impact Statement:**

- **This package contributes to the Judicial Branch Principle Policy Objectives as noted below.**

### **Fair and Effective Administration of Justice in All Civil and Criminal Cases.**

***Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.***

This request will assist all court levels in the fair and effective administration of justice by providing technology for the seamless and secure exchange of information. INH will increase data sharing capabilities among and between all courts and stakeholders, and will improve data quality by providing the courts the capability to synchronize, manage and standardize judicial data across disparate data sources to reduce errors and redundant data.

### **Commitment to Effective Court Management. *Washington courts will employ and maintain systems and practices that enhance effective court management.***

INH will support the effective management of courts by enabling users to view JIS information from other courts regardless of the vendor, software or application being used. INH automated data exchange capabilities will reduce manual data entry performed by court personnel. It will provide the courts with access to a statewide central data repository that will consolidate judicial information from multiple sources for improved court operations.

### **Appropriate Staffing and Support. *Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported.***

Through INH central data management, courts will have the ability to maintain law table data in a central location, allowing for standardization and accuracy of commonly used reference data at reduced cost.

## **Measure Detail**

- **Impact on clients and services**

The INH will provide a data exchange capability that can respond to court customer needs for increased data sharing of justice information in a more secure, responsive and effective manner.

- **Impact on other state programs**

The INH will ensure the AOC's ability to sustain current service levels to provide data exchanges to external justice organizations, including:

Department of Licensing (DOL) - To provide case updates to driver records

Department of Corrections (DOC) - To provide case disposition information

Washington State Patrol (WSP) - To provide case disposition information

Office of the Secretary of State (OSOS) - To provide case history information.

- **Relationship to Capital Budget**

None.

- **Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan**

None.

- **Alternatives explored**

Direct point-to-point data exchanges were explored and determined to be costly to build and difficult to maintain for a large number of data exchanges emanating from multiple system interfaces across the state. By developing a central data exchange hub and data repository, court systems can be connected with far fewer integration points, thereby increasing the capacity, reliability and performance of the data exchanges.

- **Distinction between one-time and ongoing costs and budget impacts in future biennia**

There will be ongoing costs and budget impacts in future biennia.

- **Effects of non-funding**

Delay or elimination of the INH will abrogate the productivity gains, improved data access and quality that would be derived from common data exchanges and a central statewide data repository as requested by the court community and judicial partners.

**Expenditure Calculations and Assumptions**

<b>FY 14</b>		<b>FY 15</b>	
Data Exchanges/Service Developers/Integration Consulting	\$550,000	Data Exchanges/Service Developers/Integration Consulting	\$450,000
Computer/ HW/SW Licenses	\$125,000	Computer/ HW/SW Licenses	\$50,000
Network/Server Capacity/Performance	\$50,000	Network/Server Capacity/Performance	\$25,000
Disaster Recovery	\$50,000	Disaster Recovery	\$25,000
Other Tools	\$50,000	Other Tools	\$50,000
Training/Misc	\$25,000	Training/Misc	\$50,000
<b>Total</b>	<b>\$850,000</b>	<b>Total</b>	<b>\$650,000</b>

**Object Detail**

	<b><u>FY2014</u></b>	<b><u>FY2015</u></b>	<b><u>Total</u></b>
Staff Costs	\$0	\$0	\$0
Non-Staff Costs	\$850,000	\$650,000	\$1,500,000
<b>Total Objects</b>	<b>\$850,000</b>	<b>\$650,000</b>	<b>\$1,500,000</b>

DRAFT

WASHINGTON STATE JUDICIAL BRANCH  
**2013-2015 BIENNIAL BUDGET REQUEST**  
**Detailed Decision Package**

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**Agency:** Administrative Office of the Courts  
**Decision Package Title:** Internal Equipment Replacement  
**Budget Period:** 2013-2015 Biennium  
**Budget Level:** Policy Level

**Recommendation Summary Text**

Funding is requested to replace aged computer equipment and to improve performance of heavily used JIS services.

**Fiscal Detail**

<b>Operating Expenditures</b>		<b><u>FY 2014</u></b>		<b><u>FY 2015</u></b>		<b><u>Total</u></b>
<b>543-1 Judicial Information Systems Acct</b>		<b>\$ 2,138,000</b>		<b>\$ 0</b>		<b>\$ 2,138,000</b>
<b>Staffing</b>		<b><u>FY 2012</u></b>		<b><u>FY 2013</u></b>		<b><u>Total</u></b>
<b>FTEs</b>		<b>0</b>		<b>0</b>		<b>0</b>

**Package Description:**

Funding is requested to replace aged computer equipment and to improve performance of heavily used JIS services.

**Narrative Justification and Impact Statement:**

Use of the Judicial Information System (JIS) by all court levels, their judges, and other criminal justice agencies continues to increase. During the past eighteen (18) years, the JIS has grown from 2,500 users to over 16,000 users (an increase of over 540%) and the volume of data stored in the JIS databases has increased 7% per year, and more recently 15% per year (with the eTicketing data). These increases in both user and data volumes not only require that current software and hardware be expanded but it also necessitates the need to employ newer, more technologically advanced, hardware and software.

**Server Consolidation and Virtualization:** Consolidating the servers will allow us to reduce the physical number of servers we maintain, requiring less cooling, power, and

space. With virtualized servers, standard servers could be built and easily duplicated which will speed up server deployment. Virtualization improves the Disaster Recovery process as the hardware dependencies of the servers are eliminated. By taking advantage of server virtualization, we will be able to improve the efficiency of our data center. Cost of this equipment and software licenses is \$220,000.

**Storage System Upgrade:** The current storage system will soon be 7 years old and is well beyond its technological prime. The amount of data on the JIS systems and local area networks has grown at a rate of 7% per year and court users' demands for speedier access continues. The newer technologies will allow us to meet these requirements. Cost of this equipment is \$920,000.

**Word Processing Updates:** Our current version of Office software does not allow us to leverage the new collaboration tools being offered. Additionally, our current version falls out of mainstream support this year, and by 2013 we will be two versions behind. Upgrading to current software versions will allow us to take advantage of the new features and tools, allowing us to achieve greater efficiencies. Cost of this upgrade is \$340,000.

**Cooling System Replacement:** The last remaining 30-year-old cooling system in the data center has reached end of life and needs to be replaced. We will replace and install a 20-ton cooling system. The indoor portion of the replacement system is upsized to meet energy code requirements and includes the following options: seismic frame, economizer, centrifugal blower with variable frequency drive, infrared humidifier, three stage stainless steel re-heat, two variable capacity digital scroll compressors, stainless steel drain pan, iCOM control with large display, disconnect, smoke detector, condensate pump and leak sensors. Cost of this equipment: \$186,000.

**VPN Router Replacement:** The routers servicing the various JIS courts not connected to county networks need to be replaced as they are now five years old, and have reached end of life based on the lifespan recommended by the vendor. We were able to recoup \$400,000 annual savings when we migrated these circuits from DIS to private VPNs, and now it is our responsibility to upgrade these devices. Cost of this equipment is \$472,000.

**This package contributes to the Judicial Branch Principal Policy Objectives as noted below.**

**Fair and Effective Administration of Justice in All Civil and Criminal Cases.**  
***Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.***

Information technology equipment is vital to the efficient and effective operations of the state's courts. Without properly functioning equipment delays in court scheduling will occur, the payment of fines, fees and penalties may not be properly accounted for and incorrect distribution of monies collected may result.

**Commitment to Effective Court Management. *Washington courts will employ and maintain systems and practices that enhance effective court management.***

Properly functioning information technology equipment allows courts to focus on implementing more efficient workflows thereby reducing the time court users are in court or navigating the judicial system.

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**Measure detail**

- **Impact on clients and services**

New information technology equipment enables courts to process transactions more effectively, enhances functionality which can increase the number of services provided without increasing staff and provides the public with greater access to information.

- **Impact on other state programs**

None.

- **Relationship to Capital Budget**

None.

- **Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan**

None.

- **Alternatives explored**

Extending the replacement cycle postpones service improvements provided to court users, therefore until the evidence suggests otherwise, AOC will maintain the five-year replacement cycle.

- **Distinction between one-time and ongoing costs and budget impacts in future biennia**

Equipment replacement is ongoing, however this specific request is one-time in nature.

- **Effects of non-funding**

Maintenance costs will significantly increase and productivity will suffer, both of which will adversely impact the public.

## **Expenditure Calculations and Assumptions**

### Cost Summary

Item	Cost
Server Consolidation and Virtualization	\$220,000
Storage System Upgrade	\$920,000
Word Processing Updates	\$340,000
Cooling System Upgrade	\$186,000
VPN Router Replacement	\$472,000
Total	\$2,138,000

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WASHINGTON STATE JUDICIAL BRANCH  
**2013-2015 BIENNIAL BUDGET REQUEST**  
**Detailed Decision Package**

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**Agency:** Administrative Office of the Courts  
**Decision Package Title:** External Equipment Replacement & Expansion  
**Budget Period:** 2013-2015 Biennium  
**Budget Level:** Policy Level

**Recommendation Summary Text**

Funds are sought to replace aged computer equipment at the courts and to equalize equipment replacement between the court levels.

**Fiscal Detail**

<b>Operating Expenditures</b>	<b><u>FY 2014</u></b>	<b><u>FY 2015</u></b>	<b><u>Total</u></b>
<b>Total Cost</b>	<b>\$664,000</b>	<b>\$535,000</b>	<b>\$1,199,000</b>
<b>Staffing</b>	<b><u>FY 2014</u></b>	<b><u>FY 2015</u></b>	<b><u>Total</u></b>
<b>FTEs</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Package Description**

Funds are sought to replace aged computer equipment at the courts and to equalize equipment replacement between the court levels.

**Narrative Justification and Impact Statement**

Use of the Judicial Information System (JIS) by all court levels, their judges, and other criminal justice agencies continues to increase. During the past eighteen (18) years, the JIS has grown from 2,500 users to over 16,000 users, an increase of 540%, and the volume of data stored in the JIS databases has increased by 7% per year.

The AOC is responsible for providing computer equipment to the state (Supreme Court and Court of Appeals), county (superior and district courts) and city (municipal) courts. Judicial Information System Policy 1.2.1 calls for a 5-year replacement cycle for computers and other information technology equipment supplied by the AOC.

Because AOC replaces computer equipment on a cyclical basis, funding needs are periodic and short-term in nature. Accordingly, replacement monies are not part of the carry-forward or maintenance budget levels, and funding must be requested for each cycle. The AOC collaborates with the courts to share responsibility for providing

equipment based on an equitable ratio, approved by the JISC, which reflects the percent of time personal computers are used for JIS versus local applications, such as document management systems and office programs.

**This package contributes to the Judicial Branch Principal Policy Objectives as noted below.**

**Fair and Effective Administration of Justice in All Civil and Criminal Cases.**

***Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.***

Information technology equipment is vital to the efficient and effective operations of the state's courts. Without properly functioning equipment delays in court scheduling will occur, the payment of fines, fees and penalties may not be properly accounted for and incorrect distribution of monies collected may result.

**Commitment to Effective Court Management. *Washington courts will employ and maintain systems and practices that enhance effective court management.***

Properly functioning information technology equipment allows courts to focus on implementing more efficient workflows thereby reducing the time court users are in court or navigating the judicial system.

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**Measure detail**

- **Impact on clients and services**

New information technology equipment enables courts to process transactions more effectively, enhances functionality which can increase the number of services provided without increasing staff and provides the public with greater access to information.

- **Impact on other state programs**

None.

- **Relationship to Capital Budget**

None.

- **Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan**

None.

- **Alternatives explored**

Extending the replacement cycle postpones service improvements provided to court users, therefore until the evidence suggests otherwise, AOC will maintain the five-year replacement cycle.

- **Distinction between one-time and ongoing costs and budget impacts in future biennia**

Equipment replacement is ongoing, however this specific request is one-time in nature.

- **Effects of non-funding**

Maintenance costs will significantly increase and productivity will suffer, both of which will adversely impact the public.

### **Expenditure Calculations and Assumptions**

Pricing per unit is as follows. Pricing includes shipping, sales tax, and 3 years of vendor warranty.

FY14	#	Price	Total FY14
Computers	450	1030	\$463,500
Laptops	180	1100	\$198,000
Impact Printers	0	2500	\$0
Laser Printers	5	300	\$1,500
Receipt Printers	2	500	\$1,000
Slip Printers	0	950	\$0
<b>Total</b>			<b>\$664,000</b>

FY15	#	Price	Total FY15
Computers	500	1025	\$512,500
Laptops	0	1100	\$0
Impact Printers	0	2500	\$0
Laser Printers	88	250	\$22,000
Receipt Printers	1	500	\$500
Slip Printers	0	950	\$0
<b>Total</b>			<b>\$535,000</b>

<b><u>Object Detail</u></b>	<b><u>FY2014</u></b>	<b><u>FY2015</u></b>	<b><u>Total</u></b>
Non-Staff Costs	\$664,000	\$535,000	\$1,199,000
<b>Total Objects</b>	<b>\$664,000</b>	<b>\$535,000</b>	<b>\$1,199,000</b>

WASHINGTON STATE JUDICIAL BRANCH  
**2013-2015 BIENNIAL BUDGET REQUEST**  
**Detailed Decision Package**

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**Agency:** Administrative Office of the Courts

**Decision Package Title:** Appellate Court Electronic Document Management System (EDMS)

**Budget Period:** 2013-2015 Biennial Budget Request

**Budget Level:** Policy Level

**Recommendation Summary Text**

This is a request to fund one (1) FTE and other costs associated with ongoing system support for the new Commercial Off-The-Shelf (COTS) Electronic Document Management System (EDMS). This system will be purchased and implemented for the appellate courts in the current 2011-2013 biennium.

**Fiscal Detail**

<b>Operating Expenditures</b>		<b><u>FY 2014</u></b>		<b><u>FY 2015</u></b>		<b><u>Total</u></b>
<b>Sum of All Costs</b>		<b>\$ 169,000</b>		<b>\$ 164,000</b>		<b>\$ 333,000</b>
<b>Staffing</b>						
		<b><u>FY 2014</u></b>		<b><u>FY 2015</u></b>		<b><u>Total</u></b>
<b>FTEs</b>		1.0		1.0		1.0

**Package Description**

This request is supported by the Washington Supreme Court, Court of Appeals, the Judicial Information Systems Committee (JISC), and the Administrative Office of the Courts (AOC).

Funds are requested to provide ongoing support for a new appellate application currently under development. The new application, Electronic Document Management System (EDMS), will require additional maintenance, licensing, and operational support. Appropriate support will ensure that the software is kept up to date, document workflows are modified as needed, and support personnel are available to keep the system operational and efficient.

This system introduces new technology that is outside the present scope, knowledge and area of expertise for the Administrative Office of the Courts (AOC) Information Services Division (ISD).

## **Current Situation**

EDMS for Appellate Courts was initiated using the IT Governance process and was approved by the JISC and is being developed during the 2011-2013 biennium.

## **Proposed Solution**

Assistance is needed to provide incremental ISD staff support for system administration, workflow development and configuration, coordinate system updates, and to provide system support management. Based on the requirements for the Appellate Courts, it is estimated that one (1) full time equivalent will be sufficient to handle the workload. This request also includes funding for non-staff costs such as training, hardware, maintenance and licensing.

## **Reason for Change**

New software and hardware is being installed for the Washington Supreme Court and the Washington State Court of Appeals for the electronic storage of court case documents. Centralized system support will be required to maintain this new application and to provide support for developing reports and EDMS automated workflows.

## **Narrative Justification and Impact Statement:**

**This package contributes to the Judicial Branch Principle Policy Objectives as noted below.**

### **Fair and Effective Administration of Justice in All Civil and Criminal Cases.**

***Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.***

All court levels need support for the technology which allows them to maintain smooth operations and thus foster public confidence. The EDMS will allow both appellate courts to streamline operations thereby enhancing the effective and efficient administration of justice.

### **Commitment to Effective Court Management. *Washington courts will employ and maintain systems and practices that enhance effective court management.***

Appellate court EDMS will improve the court operations by replacing what today is essentially a manual workflow for documents. It will ensure that there are consistent practices between the three divisions of the Courts of Appeal and improve data and information flow.

### **Appropriate Staffing and Support. *Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported.***

This request seeks to fund the appropriate staffing and support level in order to deliver a new application to assist the Washington court system.

## **Measure Detail**

- **Impact on clients and services**

AOC currently does not support maintenance of electronic document management systems. This new EDMS will require support from ISD in terms of maintenance and operations. There may be a very small impact to other operational areas within AOC. There are four (4) Appellate Courts and the AOC provides each with a modest amount of desktop and technical support.

Implementation of a new EDMS will provide:

- Improved tracking and analysis capabilities.
- Enhanced data sharing capabilities.
- Cost avoidance through the elimination of redundant data entry.
- Flexibility to meet new and emerging business needs.
- Error reduction through training, standardization of business practices, and value-limited data entry fields.

- **Impact on other state programs**

None.

- **Relationship to Capital Budget**

None.

- **Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan**

None.

- **Alternatives explored**

There were no other alternatives considered for this maintenance request. AOC ISD typically provides in-house staff support for infrastructure, applications and systems. Alternatives were considered for the business case that led to selecting this system for use.

- **Distinction between one-time and ongoing costs and budget impacts in future biennia**

These are ongoing costs and there will be budget impacts in future biennia

- **Effects of non-funding**

- The investment made in the EDMS will not be efficiently leveraged to capture the gains from the new system.
- Delay or elimination in productivity gains made by replacing legacy software.
- Maintenance costs will continue to increase.
- Individual courts will pursue stand-alone systems, thereby further fragmenting the system and increasing costs statewide.

- Expenditure calculations and assumptions and FTE assumptions

**Expenditure Calculations and Assumptions**

**Assumptions**

- AOC will not retire ACORDS during 2013-2015 biennium
- This is an ongoing request and services will continue into future biennia
- This change results in a very slight increase in demand for help desk staff that is not reflected in FTE numbers

<b><u>Object Detail</u></b>	<b><u>FY2014</u></b>	<b><u>FY2015</u></b>	<b><u>Total</u></b>
Staff Costs	\$100,000	\$100,000	\$200,000
Non-Staff Costs	\$ 69,000	\$ 64,000	\$133,000
<b>Total Objects</b>	<b>\$169,000</b>	<b>\$164,000</b>	<b>\$333,000</b>

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