



**Vermont Judicial Branch
FY 2019 Budget Summary – Key Budget and Programmatic Issues**

The Judiciary’s FY 2019 budget presentation materials include five documents:

- This summary of key FY2019 budget and programmatic issues within the Branch
- [Vermont Judiciary Annual Statistical Report for FY2017](#)
 - [Appendix I- Judiciary Statistics FY17](#)
 - [Appendix II - Judiciary Statistics FY17](#)
- [Vermont Judicial Branch Overview, 2018 Legislative Session: Courts, Judiciary Programs, and Performance Measures](#)
- Budget detail document – includes budget “ups and downs” and all Vantage reports

Topics covered in this summary document include:

- Courts, Judiciary Programs, and Performance Measures
- Upward Caseload Pressures on Court Resources
- Structural Challenges in Court System Funding
- FY 2019 Budget: Governor’s Recommendation
- Process for Development of the Judiciary’s FY 2019 Budget Request
- Budget Items Not Included in the Governor’s Recommendation
- Creating a More Efficient Vermont Judiciary

Courts, Judiciary Programs, and Performance Measures

Basic indicators of court performance are a necessary ingredient of accountability in the administration of justice and effective governance of the third branch. Moreover, performance measures provide a structured means for courts to communicate this message.

The Vermont Judiciary assesses performance through measures developed by the National Center for State Courts. CourTools is an instrument designed to foster consensus on what courts should strive to achieve and their success in meeting objectives in a world of limited resources.

The Vermont Judiciary also used the Results Based Accountability model to measure performance of court programs. These programs include treatment court dockets, the Vermont Superior Court family mediation program, the parent coordination program, the Guardian ad Litem program, the Court Interpreter program, judicial and staff education programs, and educational programs designed to inform self-represented litigants, parties in relief from abuse proceedings, and parties in divorce and parentage proceedings.

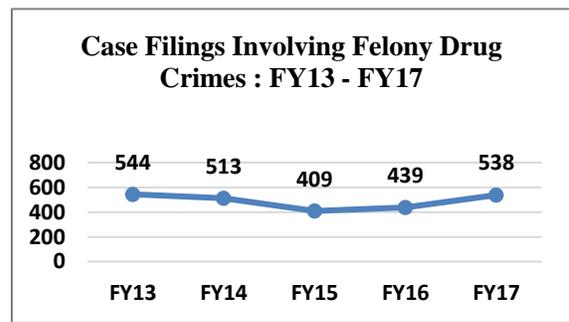
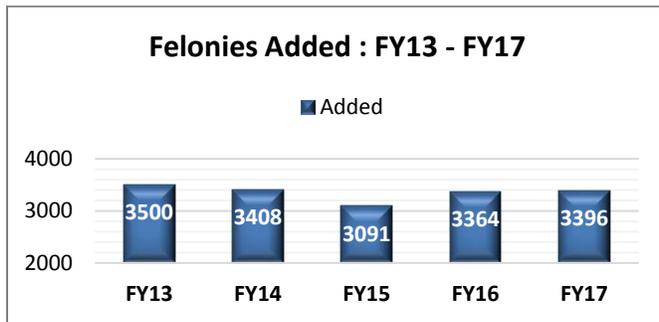
The Vermont Judicial Branch Overview for the 2018 Legislative Session, which accompanies the Judiciary’s budget materials, sets forth in greater detail the Mission, Vision, and Principles for Administration of the Vermont Judiciary adopted by the Supreme Court, as well as performance measures established by the Judiciary, where applicable, and measurements of performance outcomes, to the extent available.

Upward Caseload Pressures on Court Resources

Increase in Drug Related Crime

FELONIES

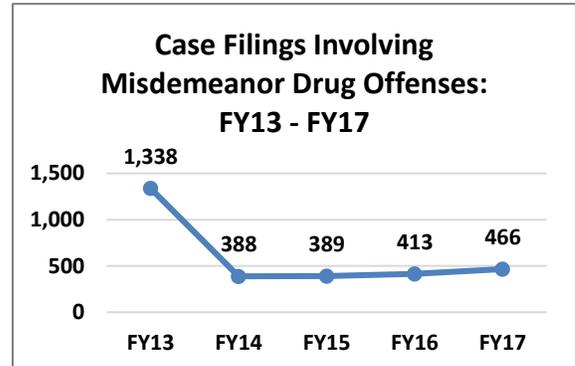
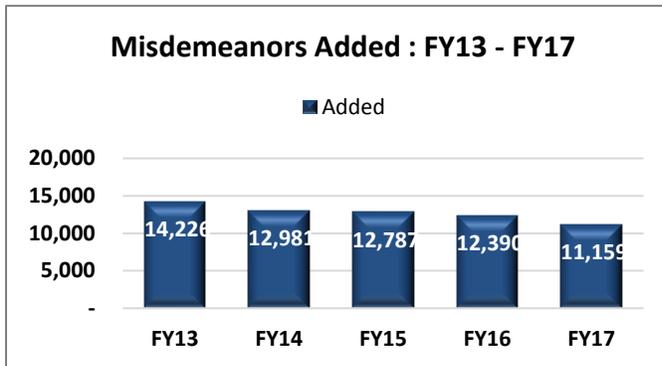
A crime is considered a felony offense in Vermont if the maximum sentence that can be imposed is more than 2 years. The graph below indicates the trends over the past five years in case filings. Overall, felony filings have risen nearly 10% in the last year. This increase is primarily due to an increase in filings involving drug crimes (23%) which have begun to rebound in the last few years.



Felony Filings					
Case Type	2013	2014	2015	2016	2017
Domestic Violence	462	457	477	503	497
Drug	544	513	409	439	538
Motor Vehicle - DWI/DUI	299	331	262	302	280
Motor Vehicle - Other	113	105	131	151	142
Other	0	0	0	0	0
Person	607	611	634	704	685
Property	868	873	679	749	719
Protection	91	79	65	65	64
Public Order	516	439	432	449	470
Weapon	0	0	2	2	1
Grand Total	3,500	3,408	3,091	3,364	3,396

MISDEMEANORS

A crime is considered a misdemeanor in Vermont if the maximum sentence that can be imposed is 2 years or less. Overall, misdemeanor filings declined 10% in the last year. Drug offenses are the only misdemeanor case type for which filings increased (13%).



Misdemeanor Filings					
Case Type	2013	2014	2015	2016	2017
Domestic Violence	801	776	767	726	702
Drug	1,338	388	389	413	466
Motor Vehicle - DWI/DUI	2,813	2,714	2,650	2,644	2,486
Motor Vehicle - Other	2,978	3,182	3,372	2,510	2,034
Other	0	0	0	0	1
Person	980	957	966	937	867
Property	1,871	1,739	1,617	1,838	1,439
Protection	324	291	264	338	285
Public Order	3,119	2,933	2,760	2,982	2,878
Weapon	2	1	2	2	1
Grand Total	14,226	12,981	12,787	12,390	11,159

Projected Increase in Juvenile Filings

CHINS

Of the CHINS cases filed in FY17, 86% were abuse/neglect cases, the remainder were beyond parental control or truant. Overall, CHINS filings have declined in the past year, primarily because of fewer abuse/neglect cases (14%). However, projections based on the first half of FY18 indicate filings will likely rise to prior levels.

For the second year in a row, the clearance rate for abuse and neglect cases has risen. Although encouraging, the 90% clearance rate remains one of the lowest of any group of cases in any division of the superior court.¹ CHINS cases are labor intensive for judges and court staff. They require numerous hearings and the stakes for the litigants are high. Not only are many of the children involved in these cases removed from the custody of their parents, there is always the threat of

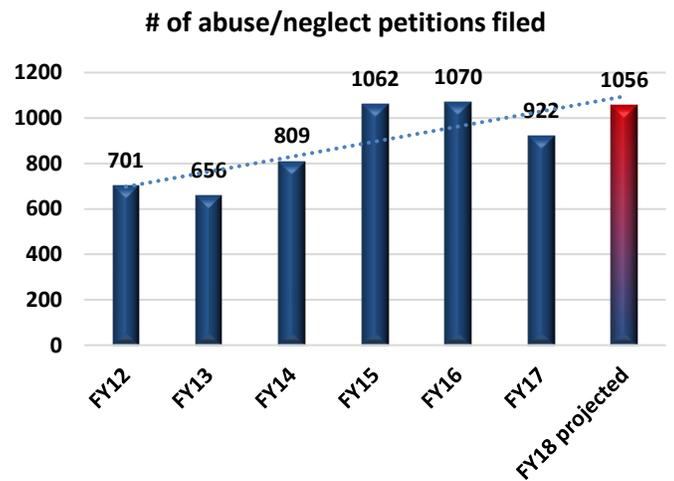
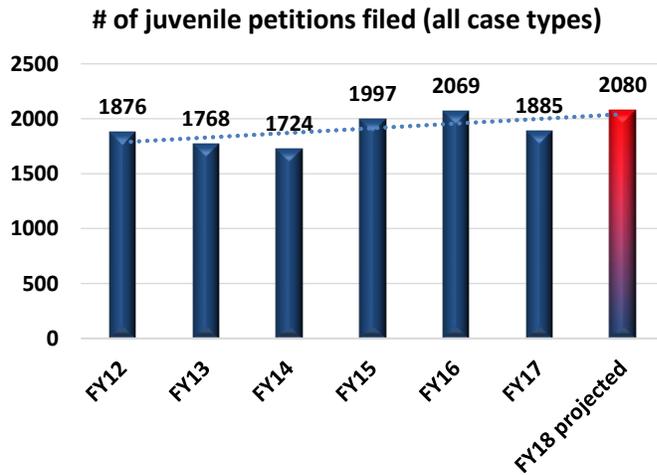
¹ The clearance rate for delinquency cases was 87% in FY17.

termination of parental rights if parents are unable to regain custody within a reasonable amount of time. Clearance rates below 100% is a source of concern. It means the development of a backlog of cases that will be difficult to overcome without a dramatic decline in the number of filings or an increase in resources.

I. JUVENILE CASES ADDED (multiple years)

	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY18 Projected
CHINS-Abused or Neglected	701	657	808	1,060	1,073	922	528	1,056
CHINS- Truant	117	135	123	112	137	165	49	98
CHINS- Unmanageable	93	90	93	86	83	65	39	78
Delinquency	893	817	668	704	734	703	403	806
Youthful Offender	79	72	54	42	42	33	21	42
Total	1,883	1,771	1,746	2,004	2,069	1,888	1,040	2,080

The portion of abuse/neglect cases relative to all juvenile case types increased from 30% in FY10 to the 50% range in FY15 to FY18).



II. CUSTODY OF CHILDREN; CASES ADDED IN CURRENT FY (custody status before disposition)

FY 18 (1 st 6 mo.)	DCF Custody	Custody to "Other"	No Custody	Total # cases
CHINS-Abused or Neglected	268	37	223	528
CHINS-Truant	1	0	48	49
CHINS-Unmanageable	28	0	11	39
Delinquency	39	0	364	403
Youthful Offender	2	0	19	21
Total	338	37	665	1040

Cases w/ young children who are removed from the home are more likely to go to TPR
 % of abuse/neglect cases in DCF custody; 50% (in FY17, it was 44%; was 50% in FY15 & FY16)

III. ABUSE/NEGLECT CASES FILED BY COUNTY

1st six months of FY18

	An	Bn	Ca	Cn	Ex	Fr	GI	Le	Oe	Os	Rd	Wn	Wm	Wr	Total
FY16	64	58	49	194	9	126	14	21	52	30	75	162	106	106	1066
FY17	69	80	41	192	0	93	0	31	13	29	74	100	108	92	922
FY18 (6 mo.)	37	39	23	101	5	80	4	13	9	23	35	49	58	52	528
FY18 projection	74	78	40	202	10	160	8	26	18	46	70	98	116	104	1056

Courts likely to have more abuse/neglect cases in FY18 than in FY17: An, Ex, Fr, GI, Oe, Os, Wr (significant increase for Fr)
 Courts likely to have about the same or fewer abuse/neglect cases filed in FY18 than FY17: Bn, Ca, Cn, Le, Rd, Wn, Wm

source: Juvenile 10 Year Filing with Disposition report.xls

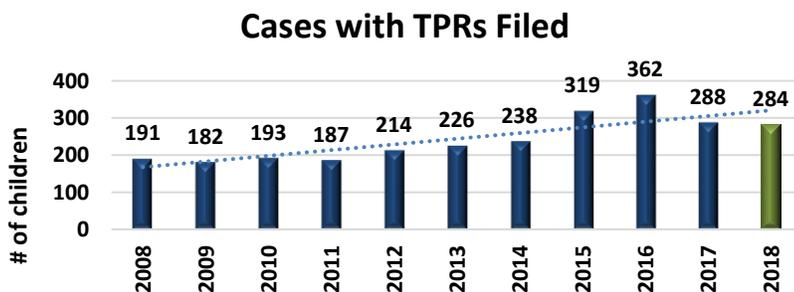
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TERMINATION OF PARENTAL RIGHTS (TPRs)

Although TPR petitions have decreased 20% in the last year, they remain significantly higher than ten years ago. The clearance rate for termination of parental rights petitions rose dramatically in FY17, rising 39% over the previous year. This is due in large part to a concentration of judicial resources to the juvenile docket.

IV. TPRs FILED OVER TIME

1st half FY18



FY of TPR Filing. **NOTE: FY18 is a PROJECTION**

TPRs are typically filed a year into a case.

Contested TPRs place heavy demands on judicial resources. Courts are hard pressed to find time for multiple-day contested TPRs, which also require findings time for the judge.

FY18 cases with TPR filed is projected to be about the same as in FY17.

source: TPR Trends report.xls

V. 142 TPRs filed in FY18 (1st half):

Addison	17
Bennington	12
Caledonia	10
Chittenden	18
Essex	1
Franklin	13
Grand Isle	3
Lamoille	3
Orange	1
Orleans	1
Rutland	9
Washington	18
Windham	20
Windsor	16

137 Cases w/ TPRs pending: (1st half FY18)

(count is by docket #, not TPR motion)

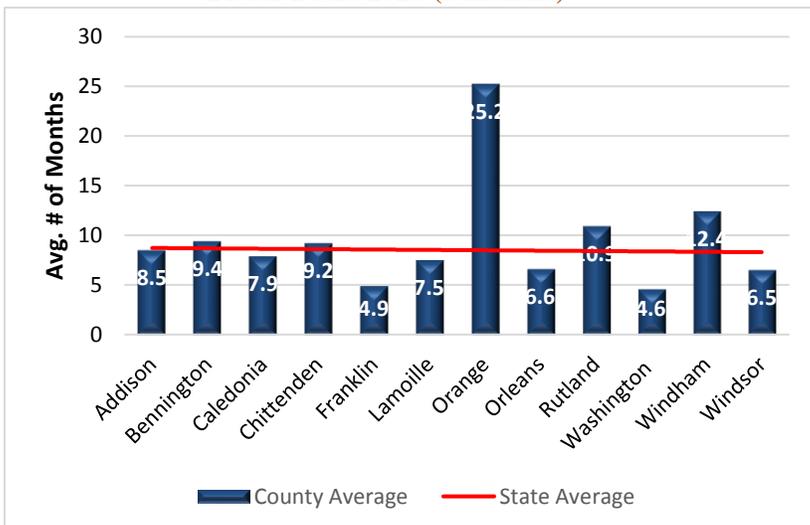
Note high numbers of TPRs filed in some courts compared to Chittenden.

52% of the pending TPRs have been pending for 5 or more months.

This time last FY, there were 159 TPRs filed, with 175 TPRs pending; the numbers appear to be smaller than last FY.

**VI. TIMELINESS OF TPRs DECIDED THIS FY
Fiscal Year: 2018 (6 months)**

count is docket #s (children)



County	# of Cases with TPRs Decided	(1 st TPR filed to last TPR decided)
Addison	5	
Bennington	4	
Caledonia	11	
Chittenden	17	
Franklin	20	
Lamoille	1	
Orange	1	
Orleans	4	
Rutland	13	
Washington	18	
Windham	17	
Windsor	19	
Grand Total	130	

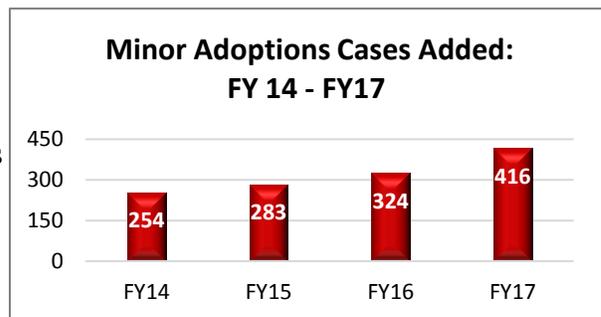
The avg. length of time over a 10-year period is 7.5 months.

Statewide average: 8.0 months Goal: 5 months

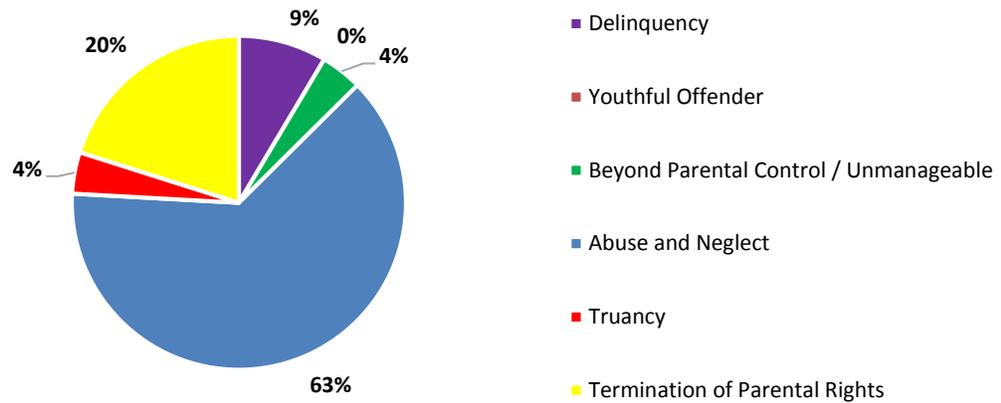
In FY16, the statewide average was 8.4 months (up from 6.3 mo.in FY15), with a count of 332 TPRs decided.

Increase in Adoption Filings

There were 28% more minor adoption petitions filed in FY17 as compared to FY16; however, when contrasted to four years ago, minor adoptions have risen 64%. This rise in adoption filings is because of the large number of abuse and neglect cases that resulted in termination of parental rights (in the Family Division) 12-18 months prior.

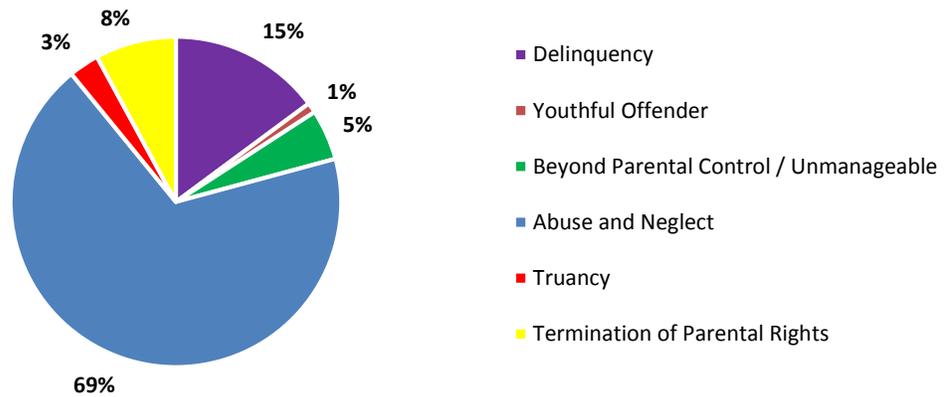


Workload (filings x weights) of Juvenile Case Types : Judicial Officers



	Delinquency	Youthful Offender	Beyond Parental Control	Abuse and Neglect	Truancy	TPR
Case Weight	59	59	332	332	103	309
Filings	699	31	65	917	165	307
Workload	41241	1829	21580	304444	16995	94863
%	9%	< 1%	4%	63%	4%	20%

Workload (filings x weights) of Juvenile Case Types: Court Staff



	Delinquency	Youthful Offender	Abuse and Neglect	Truancy	Beyond Parental Control	TPR
Case Weight	288	288	1027	212	1027	375
Filings	699	31	917	165	65	307
Workload	201312	8928	941759	34980	66755	115125
%	15%	1%	69%	3%	5%	8%

Structural Challenges in Court System Funding

The Judiciary's funding structure provides relatively little room to absorb growth in operating costs due to its reliance on General Funds, and there is relatively little leeway to reallocate resources within the Branch due to high share of personnel and physical footprint costs as a share of the total budget.

Over 87% of the Judiciary's budget is funded with General Funds, while less than 6% is derived from various fee and surcharge sources, as illustrated below.

Fund:	FY2019 Governor's Recommendation	Fund Sources as Percent of Total
General Fund	\$43,309,694	87.6%
Fee-based revenue sources:		
Attorney Admission Licensing Fund	\$776,169	1.6%
Court Technology Fund	\$2,121,499	4.3%
Other fund sources:		
Waste Management Fund	\$128,305	0.3%
Environmental Permit	\$148,342	0.3%
Inter-Unit Transfer Fund	\$2,325,272	4.7%
Federal Revenue Funds	\$640,524	1.2%
TOTAL	\$49,449,805	100%

In addition to being heavily reliant on General Funds, the Judiciary's budget is concentrated in several cost areas. The three largest items- salary and fringe benefits; Fee for Space; and court security contracts- account for 90.2% of the Branch's expenses. After accounting for mandatory internal service charges and accounting transactions, only 9.8% of the Judiciary's budget is associated with operating expenses.

Major category of expense (all funds):	FY 2019 Governor's Recommendation	As Percent of Total
Salary and Fringe (less vacancy savings)	\$35,098,753	71.0%
Fee for Space	\$5,218,558	10.6%
Court security contracts	\$2,525,303	5.1%
Other internal service charges (DII; VISION; Insurance)	\$1,294,453	2.6%
Cash payment to DCF (Title IVD accounting transaction)	\$422,720	0.9%
All other expenses	4,890,018	9.8%
Total (all funds)	\$49,449,805	100.0%

FY 2019 Budget: Governor's Recommendation

The primary sources of budget pressure behind the Judiciary's FY 2019 budget recommendation can be divided into two categories: state-wide pressures that confront all units of State government, and pressures specific to the Judiciary. All these pressures increase the cost of adequately providing the Judiciary's current level of services; none of them reflect new programs or initiatives by the Judiciary (although in some cases they reflect innovative approaches to key pressures). Funding of these pressures is critical in maintaining- and not falling further behind- the already austere operational capacity, caseload pressures, and constitutional obligations of the Branch.

State-wide General Fund pressures include:

- Salary and salary-driven fringe benefits (i.e. the annualization of the FY 18 Pay Act): \$1,131,945
- Employer share of health and dental insurance premiums: \$50,932
- Internal service charge pressures: (\$6443)
- **Total state-wide pressures: \$1.2M, or 2.8% GF increase versus FY 2018**

The figures above make clear that a significant portion of the Judiciary's budget pressures are associated with State-wide issues that confront all units. We defer to the Agency of Administration to address those pressures with the Appropriations committees.

Process for Development of the Judiciary's FY 2019 Budget Request

The Supreme Court solicited input from various units within the Judiciary to identify FY 2019 budget pressures and provide a venue for requested new programs and initiatives. Upon the review and compilation of those responses, the Supreme Court found that the following base "current services" budget items totaling an estimated \$1.6M and which equaled a 4% "budget increase" on the \$42.2M General Fund base were not negotiable as they were needed to maintain a reasonable level of judicial operations:

- Annualization of FY18 salary increases: approx. \$1M
- Employer portion of health insurance premium increase: \$300K
- Increases in internal service charges – e.g., fee for space: \$300K

The Court further found that the following budget priorities were needed to adequately support the Judiciary's current statutory requirements:

- Five additional staff to support Information Center and Judicial Bureau: \$347K
- Two additional law clerks - \$75K each (including benefits) – total \$150K
- Five additional contractual court security officers (deputy sheriffs and/or private security): \$281K

Rate increase (8%) for Sheriffs and other security contractors to reflect current and prior cost growth: \$210K

Budget Items Not Included in the Governor’s Recommendation

The Judiciary appreciates that given the constrained fiscal climate, the Governor included adequate funding for state-wide budget pressures. The following identifies those items requested by the Judiciary that were not included in the Governor’s Recommendation:

General Funds to support five additional Trial Court staff to support the Judicial Information Center and Judicial Bureau: \$347,000: In January of 2015, the Service Center was established as a pilot program for a statewide call center. As of 2017, what used to be the Service Center is now known as the Judiciary Information Center. In addition to taking calls for the Chittenden unit of the Vermont Superior Court, the Information Center provides ad-hoc coverage for the Washington unit and the Judicial Bureau. The Information Center also provides in-service coverage for a half day each month for Washington, Lamoille, Caledonia, Franklin, Grand Isle units, and the Judicial Bureau.

With the expansion of the Information Center, the knowledge bank of the operators has also increased. As a result, customers are benefitting from more consistent availability of court staff and assistance with their court needs all with one phone call. If necessary, a customer with a more complex question is transferred directly to the appropriate division. People calling in to participate in hearings by phone are directed to the proper division and courtroom. Feedback from court personnel is that assistance from the Information Center provides improved productivity, allowing them to focus on docketing, case-flow management, and other daily tasks.

More needed here about why additional staff are needed to ensure the long-term goals of the Center are achieved.

Salary and benefits for two additional law clerks: \$150,000:

Five additional contractual court security officers (deputy sheriffs and/or private security): \$281,000: At the request of the Legislature, the Judiciary has conducted two studies over the past three years to review the security operations and infrastructure of State courthouses. Both studies identified the need for additional court security officers because existing staffing levels did not meet “best practices.” In the FY17 budget request, the Judiciary requested 18 additional officers as an initial step toward a minimally-acceptable staffing level; the Legislature opted not to create or fund any additional positions. For FY18, the Judiciary identified five locations where the staffing levels are currently dire and in need of immediate rectification. The Governor’s recommendation in FY18 and again in FY19 did not include funding for these additional services. The staffing needs remain, and the Judiciary will continue to express its concerns about the risks from inadequate court security staffing levels.

Sheriffs' and other security contract rate increase - 8%: \$210,000: In most Vermont counties, the County Sheriff provides security services in the courthouses. These services are via contract with the Judiciary; there is no constitutional or statutory requirement that the sheriffs provide these services. For many years, the sheriffs have expressed concerns that the rates offered by the Judiciary have not kept up with growth in the costs of those services. Because some sheriffs have opted not to renew their contract to provide services in courthouses, the Judiciary has engaged with a private security firm. However, it remains the Judiciary's preference where possible to utilize the sheriffs for these services. The Judiciary therefore requested an 8% rate increase for Sheriffs and other security providers. While recognizing the constrained fiscal climate and the Judiciary's other budget pressures, the Judiciary reiterates its request for funding at the 8% level to hopefully forestall further defections by Sheriffs.

Creating a More Efficient Vermont Judiciary

Over the past several years, the Judiciary has undertaken multiple initiatives- both large and small – to create a more efficient delivery of judicial services. The following is a brief description of those initiatives.

Large-scale initiatives:

The Judiciary is taking on a variety of restructuring endeavors to improve and modernize operations. Many of these initiatives, however, will not manifest into “harvestable” budget savings in the immediate future. The items discussed below will: (1) take several years to produce quantifiable savings; (2) produce savings other than within the Judiciary; (3) improve the quality and customer service of the judicial process but not necessarily reduce costs; or (4) some combination of the above.

Vermont Judicial Commission on Family Treatment Dockets: In response to the dramatic upsurge in child protection cases fueled by the opioid crisis, the Supreme Court has established the Vermont Judicial Commission on Family Treatment Dockets. Members of the Commission include representatives from all three branches of state government, as well as representatives from the private sector. The mission of the Commission will be to work across the justice system to identify the most efficient and effective ways to deliver necessary services, including the involvement of the court, to families with children impacted by the opioid crisis.

The Commission will identify evidence-based practices and work to identify techniques that may be used by the justice system employing a treatment docket model in family division cases. The issues to be reviewed by the Commission include consideration of risk and need screening and clinical eligibility of parents for treatment docket services; the respective roles and obligations of the court, the Department for Children and Families, State Attorneys, the Office of the Attorney General, defense attorneys, court appointed special advocates known as guardians ad litem, and others; examining the effectiveness of different treatment docket practices; and then evaluating the connection between those practices and the ultimate goal of promoting the best interests of children, including obtaining permanency for abused and neglected children in a timely way.

The Commission will review similar initiatives in courts around the country and make recommendations to the Supreme Court for ways to pilot successful practices, as well as methods for affording statewide access to family treatment docket techniques, if warranted and consistent with the policies of the Court. The Commission, which will issue an interim report to the Supreme Court by July 1, 2018, and a final report by December 1, 2018, is chaired by Chief Justice Paul Reiber.

Next Generation Case Management System: In 2015, we started a multi-year initiative to select and implement a Next Generation Case Management System (NG-CMS). We completed our procurement process in June 2017 with the announcement of our contract with Tyler Technologies. Tyler, the largest public company in the world focused exclusively on state and local government, has implemented their Odyssey Court Case Management System in 13 statewide court systems and over 600 county or municipal courts. We expect that our implementation of Odyssey, scheduled to rollout regionally across the State through 2020, will drive the transformation of the Judiciary's case management process from a paper-driven to an electronic-focused business model, improving access to justice, strengthening interagency communication, and enabling more efficient court operations. Funding has been provided through the FY16/FY17 Capital Bill for \$4.55MM, and the FY18 Capital Bill for \$2.8MM. The remaining funding requirements for completion include outstanding Capital requests for \$2.96MM, split across FY19 \$1.4MM and FY20 \$1.56MM, and utilization of Judiciary Court Technology Fund reserves for \$2.4MM.