

**Supreme Court of Vermont
Office of State Court Administrator**

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TO: Representative Catherine Toll, Chair
House Committee on Appropriations

FROM: Patricia Gabel, Esq., State Court Administrator

RE: House Committee on Appropriations Questions

DATE: February 8, 2018

This memo is intended to answer the first two questions sent to the Vermont Judiciary by the House Committee on Appropriations in preparation for our testimony. Answers to the other questions are addressed in the handouts and/or in oral testimony.

1. What is your budgeted vs actual spending for SFY17 final and SFY18 BAA by separate appropriation?

Fund	Fund Description	Budget Amount	Encumbered Amount	Expended Amount	Available at YE FY17	Carry-Forward or Reserve
10000	General Fund	41,283,137.76	402,020.33	40,238,657.04	642,460.39	642,460.39
21285	Waste Management Assistance	128,305.00	-	128,305.00	-	-
21295	Environmental Permit Fund	148,342.00	-	148,342.00	-	-
21370	Tobacco Litigation Settlement	39,031.00	-	39,031.00	-	-
21500	Inter-Unit Transfers Fund	2,326,907.00	-	2,261,880.58	65,026.42	-
21788	Miscellaneous Settlement Fund	10,000.00	-	10,000.00	-	-
21811	Attorney Admission,Licensing,&	759,088.00	-	679,995.21	79,092.79	79,092.79
21908	Misc Grants Fund	75,000.00	-	65,108.83	9,891.17	-
21941	Court Technology Fund	1,631,724.00	-	-	1,631,724.00	1,631,724.00
22005	Federal Revenue Fund	556,455.00	-	494,310.70	62,144.30	-

The Judiciary does not have a SFY18 BAA.

2. Identify all carry forwards and reserves. How did they accumulate?

In SFY17 the Judiciary had a carry-forward of General Funds in the amount of \$318,634. We had intended to use the funds to support our acquisition of security cameras and duress alarms at all courthouses across the state. However, the Judiciary offered these funds to the state for a rescission and the state accepted them.

In addition, the Judiciary carried forward a one-time appropriation of \$323,826 under Section C.100(b) of Act 85 of 2017 (FY18 Appropriations Act). This appropriation of FY17 funds was designated to pay the retroactive component (back to December 2016) of a branch-wide reclassification of docket clerks and security officers, pursuant to the Judiciary's collective bargaining agreement and associated classification study. Because the enactment of the State budget was delayed, these retroactive payments could not be paid in FY17. The payments were ultimately made during the first pay period of FY18.

The reserve funds for the Attorney Licensing Fund are Judiciary controlled funds which will be used for the intended purpose of this fund in this and future fiscal years.

The reserve funds for the Court Technology Fund are Judiciary controlled funds which will be used for the intended purpose of this fund including assisting to fund our acquisition of security cameras and duress alarms at all courthouses and the NG-CMS.

cc: Kelly Carbo, Finance Program Manager
Maria Belliveau, Joint Fiscal Office
Theresa Utton Jerman, Committee Assistant



Lean Analysis: Streamlining Juvenile Proceedings

In October 2016, an interdisciplinary working group recommended that the Judiciary consider various proposed improvements to the child abuse and neglect docket, including:

- Increase **time allocated for hearings**, and schedule subsequent hearings from the bench at the temporary care hearing in consultation with courtroom scheduling staff
 - Improve training for all stakeholders on **mediation and collaboration**
 - Establish a pilot program to **hold a “collaboration hearing”** prior to the temporary care hearing
 - Assign a judicial master or person with similar authority to coordinate services and foster collaborative resolutions to disputes
 - Assign a guardian ad litem
 - Encourage prosecutors to withdraw emergency care petitions if parents comply with substance abuse treatment or other needed services
 - In cases where there is noncompliance with services, the judicial master (or similar individual) can prepare a report for the judge outlining placement and treatment options, risk factors, and recommendations
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Overview

In 2017, the Supreme Court tasked the State Court Administrator’s Office with pursuing the recommendations put forward by this working group. Unfortunately, unanticipated and prolonged staffing uncertainties hampered efforts to implement these recommendations.

Position

Upcoming staffing changes will enable the Judiciary to advance this project and pursue implementation of these recommendations.

With financial and technical assistance from the Department of Environmental Conservation, the Judiciary convened an interdisciplinary working group in October 2016 to explore improvements to abuse/neglect proceedings. The group analyzed how courts schedule and resolve matters from inception of the case up to merits hearings.

The working group included a judge, a court clerk, a public defender, a prosecutor, an assistant attorney general, four DCF employees, and 2 guardians ad litem.

During its weeklong analysis, the group concluded that:

- Courts often fail to reserve sufficient time when scheduling temporary care hearings, and default times vary from county to county (ranging from 15-minute blocks to 30-minute ones)
 - While recent increases in abuse/neglect filings contributed to delays in filing initial case plans, other factors also caused delay, including whether the bench and bar work collaboratively
 - The process of requiring each party to obtain medical and educational information is inefficient; delays could be mitigated if all parties received these essential documents timely
 - Needlessly inflammatory affidavits impede settlement
 - Judges should conduct hearings with improved direction, collaboration, and efficiency
 - Hearings are sometimes rescheduled because attorneys can’t reach their clients to remind them about the hearings; many clients lack access to reliable phone services
 - Courts underutilize conditional care orders
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Background

For More Information

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Vermont Judicial Commission on Family Treatment Dockets

On January 17, 2018, the Supreme Court announced the establishment of the Vermont Judicial Commission on Family Treatment Dockets. The Supreme Court established the Commission in response to the dramatic upsurge in child protection cases fueled by the opioid crisis. The Commission will work across the justice system to identify the most efficient and effective ways to deliver necessary services to families with children impacted by the opioid crisis.

Overview

Chief Justice Paul Reiber chairs the Commission, which includes representation from all three branches of State government. The Commission will study evidence-based techniques that other states have deployed successfully to promote family reunification and timely permanency for children involved child protection cases. It will make recommendations to the Supreme Court for ways to pilot successful practices as well as for options to afford statewide access to family treatment docket techniques, if warranted and consistent with the policies of the Supreme Court.

The Commission will issue an interim report to the Supreme Court by July 1, 2018, and it will issue its final report by December 1, 2018.

Position

The Supreme Court supports the Commission’s interbranch collaboration to inventory responses in other states to addiction-driven increases in child protection cases and to recommend practices suitable for the unique needs and challenges of Vermont.

Impact

To support the Commission, the Judiciary entered into a contract with the National Center for State Courts for technical assistance and hired a part-time project manager. The Judiciary is paying for the Commission’s work with general funds accrued through vacancy savings.

Background

The creation of the Commission on Family Treatment Dockets follows an October 2017 presentation by Douglas Marlowe, J.D., Ph.D., Chief of Science, Law, & Policy at the National Association of Drug Court Professionals, who spoke with representatives from the Executive, Legislative, and Judicial Branches of Vermont State Government about best practices in problem-solving court dockets, such as the treatment dockets; addressed some of the challenges Vermont’s treatment dockets have faced; and framed treatment docket options within a broader continuum of treatment options to be considered by those responsible for state policy issues.

For More Information

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LEGISLATIVE BRIEFING SHEET



Enhancing the Vermont Guardian ad Litem Program

Overview

In 2017, the Judiciary extended a **pilot** to study the benefits from partnering with a nonprofit entity to recruit, train, and supervise volunteer guardians ad litem (GALs) in Franklin and Grand Isle Counties.

The Judiciary also published a statewide **request for proposals** (RFP) in October to identify one or more potential nonprofit partners interested in delivering recruitment, training, and supervision services for volunteer GALs in one or more counties.

Status

The pilot program continues to provide valuable information regarding benefits and challenges of partnering with nonprofit agencies to support the GAL Program. Thus far, the pilot has demonstrated that a nonprofit partner can successfully marshal community resources to augment the Judiciary's support of the GAL program. However, the pilot has also indicated that nonprofits might struggle to recruit volunteers with the availability needed to serve successfully as GALs.

In response to the RFP, the Judiciary received proposals in mid-December 2017, and the Judiciary is currently reviewing those proposals with the assistance of local and statewide staff and volunteer GALs. After those proposals are scored, the reviewing teams and the programs manager for the GAL program will make recommendations to the State Court Administrator and the Supreme Court; those recommendations will likely be conveyed in March 2018.

Impact

Enhancements to the GAL Program **further the Court's commitment to ensuring equal access to justice** and to ensuring that programs and services respond to existing and emerging needs. Specifically, the enhancements respond to the opioid-driven increases in the juvenile docket.

As of January 2018, approximately **310 volunteer GALs** serve Vermont's children.

What GALs Do: GALs are trained, unpaid, court-appointed advocates who help ensure that the child's best interests and rights are protected throughout the child's involvement in the court process. GALs gather information, explain the court process and choices to the child, advocate for the best interests of the child, and help ensure that the court, parties, and service providers work together to meet the child's best interests in a timely fashion.

Benefits of GALs: Studies show that a child with an assigned GAL is more likely to be adopted, half as likely to reenter foster care, substantially less likely to spend time in long-term foster care, and more likely to have a plan for permanency. Volunteer GALs improve representation of children, reduce the time lawyers need, and help achieve better educational outcomes.

Background

The Current GAL Program: 33 V.S.A. § 5112 requires the Judiciary to assign a GAL for every child who is a party to a juvenile judicial proceeding, including delinquency proceedings when the child's interests conflict with those of the parent(s). A full-time programs manager, a half-time administrative assistant, and five part-time regional GAL coordinators administer the program. General funds pay these employees' salaries.

The Judiciary's budget request for FY18 included a request for \$264,234 to enhance the GAL Program. The Judiciary proposed to use the requested funds to partner with one or more nonprofit organizations to recruit, train, and supervise volunteer GALs. The Judiciary also indicated that the funds would support an existing pilot partnership in Franklin and Grand Isle Counties.

For More Information

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