

FY19 Judiciary Budget Adjustment Act Request

The following reflects the proposal of the Supreme Court and State Court Administrator for inclusion in the Governor's Recommendation for the FY 19 Budget Adjustment Act (BAA).

Title IV-D reduction in revenue: \$135,000

The Judiciary budget assumes that the Federal Title IV-D Program will pay for all the eligible child support activities in the court system. Our FY19 budget assumes \$1.9M in federal funds for this effort. However, over the past year, it was determined that errors in billing this program may be occurring. The Judiciary is working actively and cooperatively with the Office of Child Support (OCS) and the Agency of Human Services business office to determine the errors and develop a new methodology that will ensure compliance while maximizing the use of federal funding. This effort is continuing, and a new methodology has not yet been developed. In FY18, it was mutually agreed by Judiciary, OCS, and AHS that an error rate of 7% would be used in lieu of a correct billing methodology.

That 7% error rate is estimated to mean that the Judiciary will draw down \$135,000 less in FY19.

In an effort to prepare for a reduction in revenue and a potential payback of federal funds, the Judiciary used as much of its FY19 carryforward as possible to create a Title IV-D contingency fund of \$450,000. These funds will be held until a federal payback amount is determined. The worst case scenario for a federal payback is in the \$9M range. Therefore, the Judiciary is unable to use this contingency fund to address the loss in revenue in FY19.

Increase in Expungements: \$200,000

The Legislature is considering an update specific to the Act 178 Expungements, but the courts are actually dealing with all three of the acts, 178, 201 and 8 that have significant changes to expungement of cases. In trying to operationalize the expungement process, we are finding some considerable gaps and ambiguities in both Act 178 and Act 201. Many stakeholders continue to refer the court-initiated process for Acts 178, 201 and Act 8 as "automatic". The procedural reality is that there is nothing "automatic" about expunging a case. When the court-initiated expungement processes are fully operationalized, court staff will begin the process to identify charges that may be eligible for expungement. However, beyond listing these charges, there are no automated steps. The remainder of the expungement process will require the direct attention of our judges and court staff. Some cases have a blend of qualifying and non-qualifying crimes are a much more difficult process. We have found that the speed with which criminal records can be expunged under Act 201 will definitely affect the judiciary's ability to fulfill these requests.

From 2014 to 2017, the courts averaged approximately 719 expungements each year. Due to the three bills at hand, the judiciary will soon initiate a significantly higher number of expungements each year.

We have determined we will need at the very least, 1 temporary docket clerk per Administrative Region. A Region consists of 3-4 Counties/Units except for Chittenden whose case load is already the highest in

the state and is its own Region. This person would be needed full time to only work on expunging cases and would move throughout the region to do so.

The cost based on the starting salary for 5 Temp Docket Clerks, plus the needed computers, workstations and licenses would be approximately \$175-\$200 thousand for the current fiscal year in order to accomplish these expungements.

The NG-CMS will begin roll out next year, however we will not be fully rolled out until early 2021 when we can fully implement a better system of removing cases from the docketing system.