

Supreme Court of Vermont
Office of State Court Administrator

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TO: Senator Jane Kitchel, Chair
Senate Appropriations, Appropriations

FROM: Patricia Gabel, Esq., State Court Administrator

RE: Judiciary Budget Materials for Senate Appropriation Committee

DATE: February 21, 2020

A handwritten signature in blue ink, appearing to be "Patricia Gabel", written over the "FROM:" line of the email header.

On behalf of the Supreme Court of Vermont, please find the following documents. Please note, items three and four are embedded as links to the Judiciary Website in item two:

- 1) Vermont Judiciary Presentation to House Committee on Appropriations PowerPoint
- 2) Vermont Judicial Branch FY 2021 Budget Summary – Key Budget and Programmatic Issues
- 3) Vermont Judicial Branch Annual Statistical Report for FY19
 - Appendix I – Judiciary Statistics FY19 – Statewide
 - Appendix II – Judiciary Statistics FY19 – by County
- 4) Judicial Branch Overview and RBA Report, 2020 Legislative Session: Courts, Judiciary Programs, and Performance Measures
- 5) FY 2021 Judiciary Budget Detail including ups and downs

cc: Gregg Mousley, Chief of Finance and Administration, Vermont Judiciary
Kelly Carbo, Manager of Finance and Accounting, Vermont Judiciary
Stephen Klein, Chief Fiscal Officer, Joint Fiscal Office
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VERMONT JUDICIARY

HOUSE COMMITTEE ON APPROPRIATIONS

JANUARY 29, 2020

Patricia Gabel, Esq., State Court Administrator

Gregg Mousley, Chief of Finance and Administration, Vermont Judiciary



Budget Materials Include:

- **FY21 Budget Summary**
- **Vermont Judicial Branch Overview and RBA Report**
- **Vermont Judiciary Annual Statistical Report for FY2019**
- **Budget Detail document – includes budget “ups and downs”**



Upward Caseload Pressures:

- **Juvenile Cases**
 - CHINS
 - Increase in Filings of TPR Cases
 - Increase in Youthful Offender Cases
- **Upward Trend in Number of Criminal Expungements**

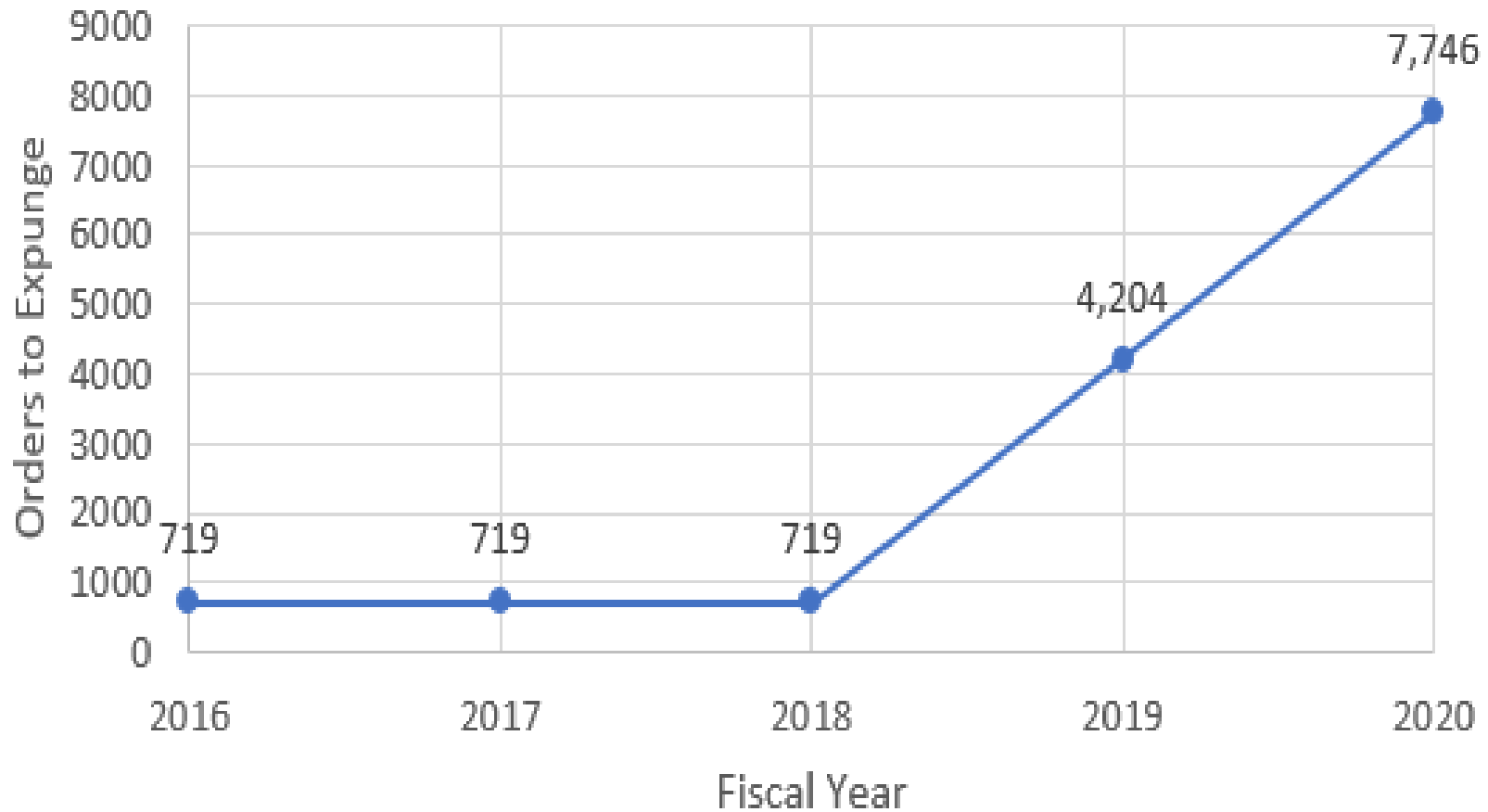


Expungement Increase:

| Fiscal Year | Number of orders to expunge | Percent increase over prior year |
|-------------|-----------------------------|----------------------------------|
| 2016 | 719 (estimated) | -- |
| 2017 | 719 (estimated) | 0% |
| 2018 | 719 (estimated) | 0% |
| 2019 | 4,204 (actual) | 485% |
| 2020 | 7,746 (projected) | 84% |



Expungement Increase:



Structural Challenges in Court System Funding

| Fund: | FY2021 Governor's Recommendation | Fund Sources as Percent of Total |
|-----------------------------------|----------------------------------|----------------------------------|
| General Fund | 47,710,260 | 88% |
| Fee-based revenue sources: | | |
| Attorney Admission Licensing Fund | 784,629 | 2% |
| Special Funds * | 2,398,146 | 4% |
| Other fund sources: | | |
| Inter-Unit Transfer Fund | 2,095,399 | 4% |
| Federal Revenue Funds | 887,586 | 2% |
| TOTAL | 53,876,020 | 100% |

| Major category of expense (all funds): | FY 2021 Governor's Recommendation | As Percent of Total |
|---|-----------------------------------|---------------------|
| Salary and Fringe (less vacancy savings) | 37,603,318 | 71% |
| Fee for Space | 5,123,561 | 10% |
| Court security contracts | 2,909,103 | 5% |
| Other internal service charges (ADS; VISION; Insurance) | 2,057,828 | 3% |
| Cash payment to DCF (Title IVD accounting transaction) | 400,000 | 1% |
| All other expenses | 5,782,210 | 10% |
| Total (all funds) | 53,876,020 | 100% |



Overview of FY21 Judiciary Budget

Statewide budget pressures include:

- **\$915,016** **annualization of FY20 Pay Act**
- **\$117,722** **internal service fund increases**
- **\$137,135** **retirement rate increase**

- **\$1,163,873** **2.56% increase**



Overview of FY21 Judiciary Budget

Budget pressures outside Judicial control include:

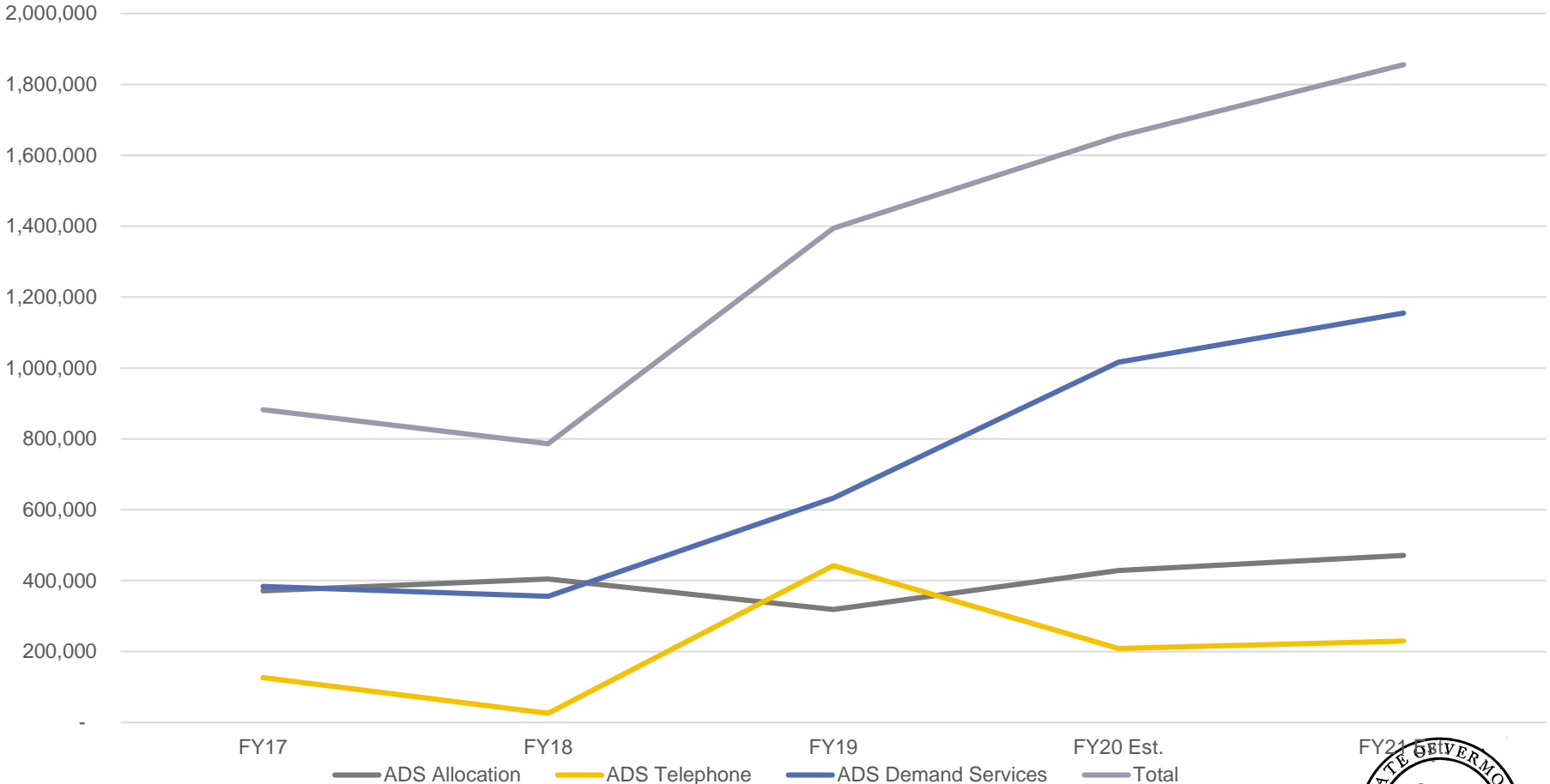
- **\$763,433** **ADS increases**
- **\$350,000** **Lost Title IV-D Revenue (est.)**

- **\$1,113,433** **2.44% increase**



Overview of ADS Expense

ADS Expense



Overview of FY21 Judiciary Budget

Judicial Priorities include:

- **\$85,000** **FFS for Access and Resource Ctr.**
- **\$375,000** **5 Security positions**
- **\$250,000** **Increase to Security rates**
- **\$258,632** **Move RIS salaries out of Tech Fund**

- **\$968,632** **2.1% increase**



Access and Resource Center

Access and Resource Center

- **Part of Language Access Plan – agreement with Dept. of Justice**
- **Self Represented Litigant Services, including triaging services, non-lawyer navigator programs, collaborations with private bar and civil legal aid organizations and non-legal community partners, and specific access services for self-represented litigants.**



Security Positions

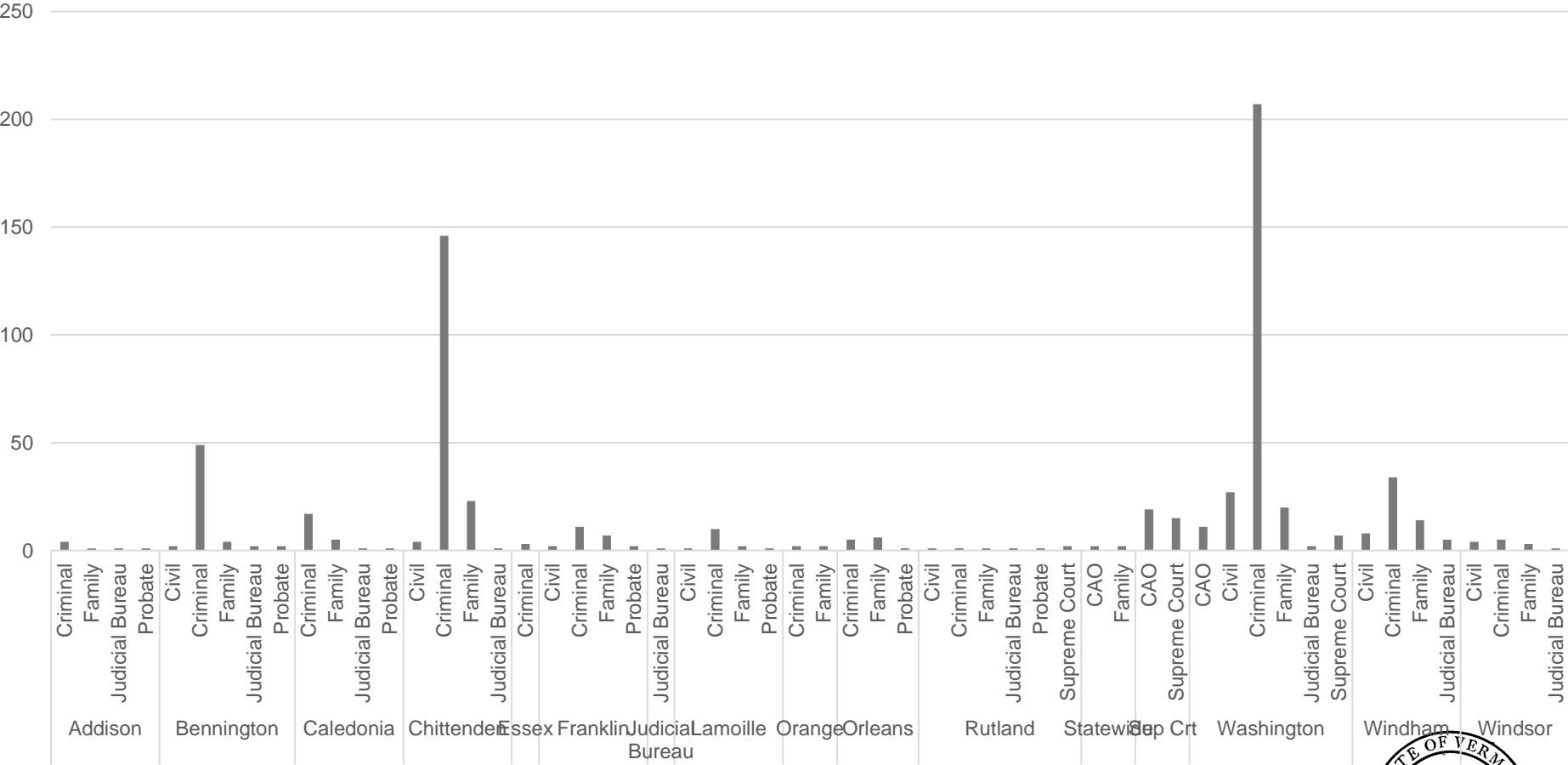
Five Security Positions

- Network of courthouse security is understaffed
- Barre staff increased by 2 just to maintain operations
- Costello staff using temps
- Windham has no law enforcement presence



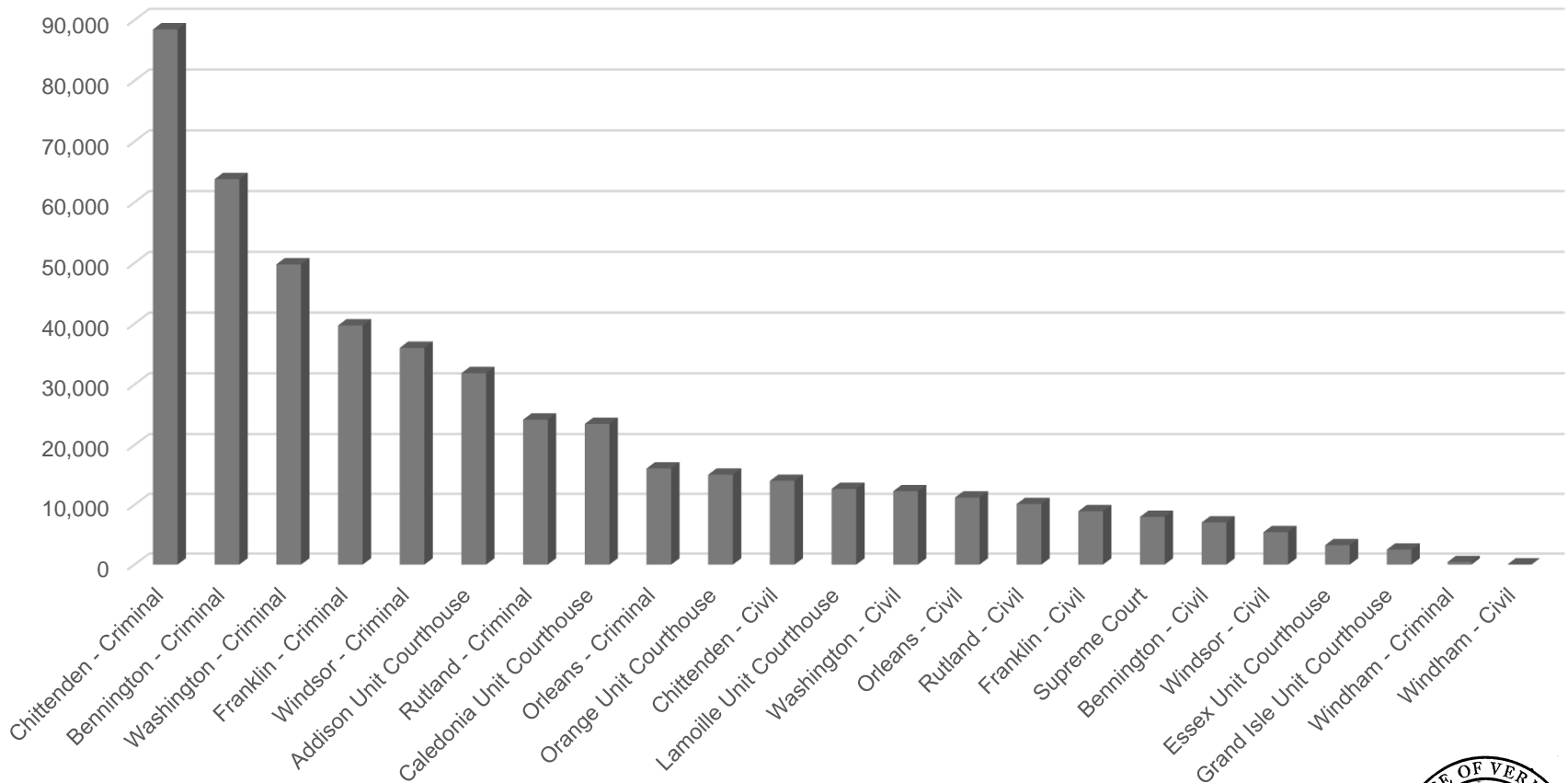
Security Positions

Incident Reports - By Courthouse
2019



Security Positions

Busiest Courthouse 2019
Visitors per year



Security Rates

Increase to security hourly rates needed:

- **Sheriffs are experiencing recruitment problems**
- **Reduced number of sheriff positions**
- **Reduced hours in Bennington to afford rate increase**
- **No contract in Orleans due to low rate of pay**

Judicial rates range from \$27 to \$33 per hour

BGS rates start at \$50 per hour

Roads contracts can be \$70 to \$90 per hour



Move from Tech Fund

Move salaries out of Tech Fund into GF

- **Tech Fund not designed for ongoing salary costs**
- **Plan was always to move them to GF**
- **Tech Fund negatively impacted by decrease in collections on traffic tickets.**
 - FY16 (\$125,159) compared to budgeted revenue
 - FY17 (\$125,159)
 - FY18 (\$204,890)
 - FY19 (\$3,320)



Key Judiciary Initiatives

- **NG-CMS**
- **CHINS Reform Activities**
 - Judicial Master and Regional Treatment Docket Pilot
 - System Evaluation
- **Judiciary Access and Resource Center**
- **Language Access Program Enhancements**





Vermont Judicial Branch

FY 2021 Budget Summary – Key Budget and Programmatic Issues

The Judiciary’s FY 2021 budget presentation materials include the following documents:

- This Summary of key FY2021 budget and programmatic issues within the Branch
- [Vermont Judicial Branch Overview and RBA Report](#), 2020 Legislative Session: Courts, Judiciary Programs, and Performance Measures
- [Vermont Judiciary Annual Statistical Report](#) for FY2019
 - [Appendix I](#) (Statewide Data) - Judiciary Statistics FY2019
 - [Appendix II](#) (County Data) - Judiciary Statistics FY2019
- Budget detail document – includes budget “ups and downs” and all Vantage reports

Topics covered in this summary include:

- Courts, Judiciary Programs, and Performance Measures
- Upward Caseload Related Pressures on Court Resources
- Structural Challenges in Court System Funding
- Process for Development of the Judiciary’s FY 2021 Budget Request
- Key Judiciary Initiatives

Courts, Judiciary Programs, and Performance Measures

The establishment and use of 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 measurement provides a structured means for courts to communicate this message.

The Vermont Judiciary assesses performance through the use of CourTools, a performance management system 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 Annual Statistical Report FY19 describes these measures and demonstrates their application in each docket in the Judiciary. Appendix I to this Report sets forth these measures and statistics on a statewide basis and Appendix II to this Report provides statistics on a county by county basis.

The Vermont Judiciary also uses 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 unrepresented litigants, parties in relief from abuse proceedings, and parties in divorce and parentage proceedings.

The document “Judicial Branch Overview and RBA Report, 2020 Legislative Session: Courts, Judiciary Programs, and Performance Measures,” 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 they are available.

Upward Caseload Related Pressures on Court Resources

Processing of Child in Need of Care or Supervision Cases (CHINS)

While CHINS filings were down 19% in FY19 relative to FY18 these cases continue to present the courts with case processing challenges, as indicated by the fact that close to half (43%) of the cases were older than 98 days at disposition, and nearly one-third (32%) of the cases took longer than six months to be disposed. The Supreme Court has set a disposition goal of 98 days for these cases.

The vast majority (82%) of the CHINS cases filed were those involving allegations of child abuse or neglect. Other filings involved youth involved in truancy (12%) and beyond parental control (6%) proceedings. A review of the first half of filing data for FY20 suggest that overall filings of CHINS cases is not likely to change significantly.

Increase in Filings of Termination of Parental Rights Cases (TPR)

TPR petitions increased in FY19 by 11% over FY18, and the clearance rate for these cases decreased significantly – from 106% to 88%. This means that more cases are being added than disposed, which in turn has resulted in over two thirds (67%) of cases not meeting the five-month disposition standard set by the Supreme Court. Because TPR filings often reflect the number of filings in the abuse/neglect arena of the previous year, we predict TPR filings to remain the same or decline slightly in FY20.

Increase in Filings of Youthful Offender Cases

In 2017 the law changed to allow a State’s Attorney to commence a proceeding in the Family Division of the Superior Court concerning a child who is alleged to have committed an offense

between the ages of 16 and 22 that could otherwise be filed in the Criminal Division. The full impact of the change in the law was not realized until FY19.

In FY17, 31 of what are known as “youthful offender” cases were transferred to the Family Division. In FY18, there were 33 such cases transferred. In FY19 there were 504 youthful offender filings transferred to or filed directly in the juvenile courts. Processing these cases requires more resources in the Family Division than it does in the Criminal Division.

For example, hearings are required for youthful offender cases prior to a youth being discharged from probation. In addition to these additional hearings, additional orders must be prepared by the court making a finding that a youth has been determined a youthful offender for purposes under the law. This is a time-consuming step that has had to be taken for all youthful offender cases.

Many of the cases that would have been processed as criminal cases under the old law were often adjudicated after a plea early on in the case with only a fine imposed. No fines can be imposed on youthful offenders within the jurisdiction of the Family Division, meaning that there is generally more time required to adjudicate these cases.

In addition, portions of certain youthful offender hearings are open to the public. This may require dedicated docket time and additional effort and planning on the part of court staff.

This increase in filings and the differences in the way that these cases are now heard in the Family Division has resulted in a significant decline in the clearance rate for these cases from near 100% in FY18, to 57% in FY19. This in turn has resulted in 37% of the disposed cases being concluded beyond the 98-day disposition goal set by the Supreme Court.

Upward Trend in Number of Criminal Expungements

The 2017-2018 legislative session ushered in the passage of several bills that expanded criminal expungement eligibility and required the judiciary to initiate “petitionless” expungement under certain circumstances [see Act 178 (2018), Act 201 (2018), Act 8 (2018 Special Session), and more recently Act 32 (2019)].

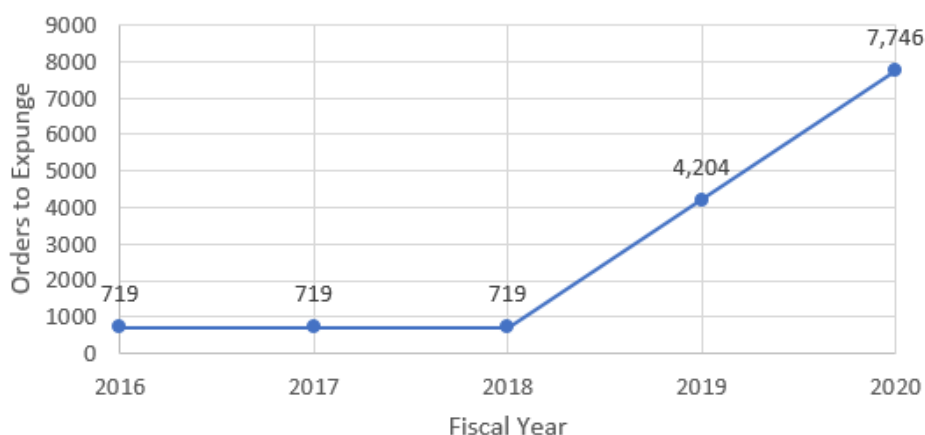
The Judiciary estimates that between FY2015 and FY2018, it expunged approximately 719 cases each year. In FY19, the judiciary issued 4,204 orders to expunge criminal records—a 585% increase from the average number the year before.

FY20 is on track to surpass FY19’s number. During the first six months of FY20, the judiciary issued 3,873 orders to expunge criminal records. At this rate, the judiciary can expect to issue a total of 7,746 orders to expunge by the end of FY20. This represents a ten-fold increase in expungement orders and expungement processing per year since FY2018.

| Fiscal Year | Number of orders to expunge | Percent increase over prior year |
|--------------------|------------------------------------|---|
| 2016 | 719 (estimated) | -- |
| 2017 | 719 (estimated) | 0% |
| 2018 | 719 (estimated) | 0% |
| 2019 | 4,204 (actual) | 485% |
| 2020 | 7,746 (projected) | 84% |

Fiscal Impact

In FY19, the Judiciary requested and received a \$200,000 budget adjustment to fund the hiring of five temporary employees to manage the anticipated increase in expungements. At the time the request was granted, the Judiciary estimated it would see 1,400 expungements in FY19—far less than the 4,204 orders actually issued in FY19. A look at the last three fiscal years demonstrates a marked upward trend in expungements. There is no data to suggest there will be a plateau or drop in expungement numbers in the coming years.



Therefore, the Judiciary will continue to require the use of these five temporary employee positions so it can continue to successfully manage its expungement pressures during the period prior to the complete rollout of the new electronic case management system (FY21 and FY22.) While the data clearly forecasts a growing number of expungements in the criminal division, the judiciary is not seeking additional temporary positions to meet this projected need at this time because it will attempt to manage the expungement pressures with these existing resources. In 2022, our electronic case management system will have been fully rolled out. At that time, we will reassess the resources needed for expungements, sealing, and other similar initiatives.

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 88% of the Judiciary's budget is funded with General Funds, while only 6% is derived from various fee and surcharge sources, as illustrated in the chart below.

| Fund: | FY2021 Governor's Recommendation | Fund Sources as Percent of Total |
|-----------------------------------|---|---|
| General Fund | 47,710,260 | 88% |
| Fee-based revenue sources: | | |
| Attorney Admission Licensing Fund | 784,629 | 2% |
| Special Funds * | 2,398,146 | 4% |
| Other fund sources: | | |
| Inter-Unit Transfer Fund | 2,095,399 | 4% |
| Federal Revenue Funds | 887,586 | 2% |
| TOTAL | 53,876,020 | 100% |

**Includes Waste Management, Environmental Permit, and Court Technology Funds.*

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 86% of the Branch's expenses. After accounting for mandatory internal service charges and accounting transactions, only 10% of the Judiciary's budget is associated with operating expenses.

| Major category of expense (all funds): | FY 2021 Governor's Recommendation | As Percent of Total |
|---|--|----------------------------|
| Salary and Fringe (less vacancy savings) | 37,603,318 | 71% |
| Fee for Space | 5,123,561 | 10% |
| Court security contracts | 2,909,103 | 5% |
| Other internal service charges (ADS; VISION; Insurance) | 2,057,828 | 3% |
| Cash payment to DCF (Title IVD accounting transaction) | 400,000 | 1% |
| All other expenses | 5,782,210 | 10% |
| Total (all funds) | 53,876,020 | 100% |

The primary sources of budget pressure behind the Judiciary's FY 2021 budget recommendation can be divided into three categories: state-wide pressures that confront all units of State government, Judiciary pressures that are outside of the Judiciary's control, and priorities of the Judiciary. All these pressures increase the cost of funding the Judiciary's current level of services. Funding of these pressures is critical to maintaining- and not falling further behind- the already austere operational capacity, caseload pressures, and constitutional obligations of the Branch.

In addition to those items outlined in this Summary, the Judiciary is currently in the process of collective bargaining with the Vermont State Employees Association. Once a Collective Bargaining Agreement is reached, the Judiciary and the VSEA will also be requesting that the Agreement will be funded in the Pay Act or the FY21 and FY22 Budget, as the Legislature determines.

For now, State-wide General Fund pressures that confront all units of State government include:

- Salary and salary-driven fringe benefits (i.e. the annualization of the FY20 Pay Act): \$915,016
- Internal service charge pressures: \$ 117,722
- Retirement rate increase: \$ 137,135

Total state-wide pressures: \$1,169,873, or 2.56% GF increase versus FY20.

The Governor's proposed budget includes funding of those three items.

Pressures outside of the Judiciary's control include:

- Increase in ADS costs: \$763,433
- Anticipated Title IV-D decrease: \$350,000

Total pressures outside the Judiciary's control: \$1,113,433, or 2.44% GF increase versus FY20

The Governor's budget includes the requested funding of ADS cost increases, but it does not include the requested funding for the anticipated Title IV-Decrease.

The figures above make clear that a significant portion of the Judiciary's budget pressures are associated with State-wide issues and other issues outside of the Judiciary's control. We expect to be able to rely upon the Agency of Administration to address those pressures with the Appropriations committees, and we provide further information below regarding the Title IV-D funding request.

We also express our appreciation that, in addition to funding the pressures described above, the Governor also proposed an increase to cover sheriffs' rates, albeit only 50% of what the Judiciary requested. We discuss that issue in more detail below. The sheriffs' rate increase included in the Governor's proposed budget is \$125,000.

Process for Development of the Judiciary’s FY 2021 Budget Request

The Supreme Court solicited input from various units within the Judiciary to identify FY 2021 budget pressures and provide a venue for requested new programs and initiatives. Upon the review and compilation of those responses, the Supreme Court identified that the fiscal needs of current operations constituted the highest priority of funding- so that caseloads and other metrics of judicial performance did not decline further. In other words, funding to support statewide pressures like Pay Act requires a significant fiscal increase. Consequently, the Supreme Court found that the following budget pressures were beyond the Courts control and are needed to adequately support the Judiciary’s current statutory requirements:

- Increase in ADS costs: \$763,433
- Anticipated Title IV-D decrease: \$350,000

Increase in ADS costs: \$763,433

ADS has increased the rates that are charged to the Judiciary that have resulted in a dramatic increase in IT costs. In FY18, the Judiciary’s expense for “demand services” was \$356,102. The Judiciary has been initiating a large IT project (NG-CMS project) that will increase the number of servers and increase costs. The Judiciary therefore budgeted \$391,518 in FY19 with the expectation that the demand bill would be approximately \$400,000. In September 2019 ADS presented a bill for FY19 that was \$633,093 – a 77% increase. Although there was little increase in demand in FY20, the bill for FY20 was \$1,016,600 – an additional 60% increase. ADS projects that the FY21 cost for demand services will be \$1,154,951 – a total of \$763,433 over budget and a 214% increase.

The timing of this information is particularly difficult, since the Judiciary has been unable to make appropriate budget requests for these increases because the Judiciary didn’t know about them during the BAA and annual budget timeline required to build the costs into the Judiciary’s budget proposals. Given the timing of ADS invoicing, the Judiciary has no option but to request the 3-year increase of \$763,433 all at once. The Judiciary is also making a Budget Adjustment Request for FY20 of \$866,657 to cover the unpaid amounts in FY19 and FY20.

The Governor’s Recommended FY21 Budget for the Judiciary includes the full amount of this increase. The Judiciary greatly appreciates that the Governor recognizes the need for such a drastic increase in charges from ADS to be covered in his proposed budget for the Judiciary.

Anticipated Title IV-D Decrease: \$350,000

The Judiciary is working in collaboration with the Office of Child Support (OCS) to review and improve the federally funded Title IV-D Program. The accuracy of Vermont’s process of reimbursement for child support hearings has been called into question through both internal reviews and federal audits. Judiciary has brought in an expert to help develop a better methodology. While this work is underway, Vermont has reduced its federal draw down by

about \$165,000 per year for both FY18 and FY19. It is our intention that by the beginning of FY21 a new methodology would be in place and Vermont may be able to make retroactive adjustments for past years, if appropriate. In addition, there is concern that the outcome of the federal OIG audit might involve past year paybacks.

The Court further identified areas that are the highest priorities for the Judiciary. They include:

- Expansion of Court space at Costello courthouse: \$85,000
- Five additional Court Officer positions: \$375,000
- Increase to Sheriff and Private security rates: \$250,000 (50% of which is in the Governor's recommended budget)
- Move RIS salaries from Tech Fund to GF: \$258,632

Expansion of Court Space at Costello Courthouse (Chittenden): \$85,000

The Access and Resource Center and an office of the Judicial Bureau will be co-located at the Costello Courthouse in Chittenden County for purposes of efficiencies and in anticipation of the implementation of the Next Generation Case Management System.

The Access and Resource Center has begun to provide statewide telephone and online assistance to Vermonters. Once the fit-up of the space is finished, the Access and Resource Center will provide walk-in services to unrepresented litigants who identified as Limited English Proficient individuals entitled to court interpretation services under federal law. An expansion of the space in the courthouse is necessary to provide an appropriate multi-use walk in service for Vermonters who needs assistance and an adequate workspace for the Center.

The requested \$85,000 would cover the increase in the fee-for-space for the expansion. All the set-up costs for computer equipment, software and licensing, and workstations are not part of this request.

***Impact if not funded:** Without an expansion of the court footprint in the courthouse, it would be impossible to have the necessary space needed for the walk-in Access and Resource Center, which will be located for the convenience of Vermonters on the ground floor of the courthouse. Further, without the space, there is a risk that the plans the Judiciary is pursuing to extend the reach of, and improve the quality of services provided through, its Language Access Program will be compromised. These plans are being developed in consultation with experts in area of access to justice programs generally, and language access services specifically. The Access and Resource Center enjoys the strong support of the U.S. Department of Justice, with which we have an Agreement regarding the Court Interpreter Program.*

Five Additional Court Security Officers: \$375,000

At the request of the Legislature, the Judiciary has conducted two studies over the past four 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; in the FY 2018, the Judiciary requested five additional officers to address five locations where the staffing levels are currently dire and in need of immediate rectification. In FY 18, FY19 and FY20, the Judiciary repeated its request to adequately fund courthouse security. These requests were funded at levels far below what had been requested, and no new security positions were approved.

For FY 2021, the Judiciary reiterates its request for \$375,000 to fund these five most critically needed court officers to bring the staffing levels closer to (albeit still lower than) the recommended levels in the two security studies. Of these five positions, three will be used to make permanent certain temporary positions on which the Judiciary has been relying for court officers, and two will be used to contract for additional deputy sheriffs or for private security, as may be available. The Judiciary will continue to express its concerns about the risks from inadequate court security staffing levels.

***Impact if not funded:** The risk will remain high that due to a lack of security our courthouse users and staff are vulnerable and that scheduled hearings and trials will be cancelled at the last minute due to failure by sheriffs and other providers to provide security officers, as has been occurring over the last several weeks. The hours open to the public in the Bennington county courthouse have already been reduced to take account of the fact that security costs in Bennington have exceeded the budget. Security needs from executive branch offices located in some courthouses further stretch insufficient security resources. In some cases, the executive branch offices are utilizing court attorney rooms in the courthouse and staying past the scheduled closing time in order to take advantage of security the Judiciary provides, adding to overtime security costs for the Judiciary and disruption of normal closing hours. Multiple county sheriffs have stated that they will not continue providing courthouse security unless they can cover their costs.*

Increase for Sheriffs and Other Security Contractors: \$250,000

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. The rates for the sheriffs have been an annual concern for the Judiciary and will continue until the rates are raised to a level that supports the services delivered.

The Judiciary is requesting funding with the intent to bring the Judiciary's rates closer to (albeit still lower than) other government entities that utilize the sheriffs' services, and hopefully forestall further voluntary terminations of services by the sheriffs.

***Impact if not funded:** Without an increase in hourly rates to the Sheriff's and private security firms we risk losing more Sheriff contracts and risk not being able to meet the fees of private*

firms. The average hourly rate paid to the Sheriff's by the Judiciary is about \$29.00. BGS is currently paying \$50.00 per hour which the legislature funded, 85% more per hour.

The Governor's Recommended FY21 Budget includes partial funding of \$125,000 for increasing Sheriffs' rates. The Judiciary appreciates this recognition of the role of the sheriffs in protecting the public and state employees in courthouses. However, it does align with the recent trend of partially addressing an issue that cannot be allowed to continue. For the past four years, the Legislature has funded about half of what has been asked by the Judiciary to resolve this issue. The result has led to further deterioration of courthouse security.

Move three RIS Staff Salaries from Court Technology Fund to General Fund: \$258,632

The Judiciary once again requests to move 3 staff positions out of the Court Technology Fund and into the General Fund. A number of years ago, under a previous administration, Finance and Management indicated this change would be made. We have requested it every year, but it has never been included in the Governor's budget proposal. The placement of these positions in the Tech Fund was meant to be a temporary placement due to underfunding of the General Fund Pay Act in a particular year, after which they were expected to be moved back into the General Fund. The Tech Fund is designed to fund court technology, not ongoing salaries for long-standing permanent positions in the Judiciary.

Summary

| | | |
|---|--------------|------------------|
| Statewide GF pressures: | \$ 1,169,873 | (2.56% increase) |
| Pressures outside of Judiciary's control: | \$ 1,113,433 | (2.44% increase) |
| Judiciary Priorities: | \$ 968,632 | (2.12% increase) |
| Total GF Request: | \$3,251,938 | (7.12% increase) |

Key Judiciary Initiatives

Judiciary staff work diligently every year to deliver and administer justice and to address the existing and emerging needs of court users and expectations of the public. In addition to supporting core Judicial Branch activities, Judiciary staff will dedicate significant time and attention in FY2021 to the initiatives summarized below.

Judiciary Next Generation Case Management System (NG-CMS)

In 2015, the Judiciary embarked on 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 a 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. The Judicial Bureau successfully transitioned onto Odyssey in June 2019. The trial courts in Windham, Windsor, and Orange will transition onto Odyssey in March 2020. Details about the rollout of the system to other counties is available at the [NG-CMS page](#) of the Judiciary’s website.

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 following Capital Bills: FY16/FY17 \$4.55MM, FY18 \$2.8MM, FY19 \$1.4MM and FY20 \$1.56MM; as well as the utilization of Judiciary Court Technology Fund reserves for \$2.4MM.

CHINS Reform Activities

Regional Family Treatment Docket Pilot

In September 2019, the Supreme Court responded to an initiative of a group of stakeholders in Chittenden County by authorizing the creation of a regional family treatment docket pilot program. The Court’s authorization was consistent with the recommendations of the [Vermont Judicial Commission on Family Treatment Dockets](#). The Commission was formed in 2018 in response to the dramatic upsurge in child protection cases fueled by the opioid crisis. Members of the Commission include representatives from all three branches of government as well as representatives from the private sector.

Consistent with the recommendations of the Commission, the pilot docket in Chittenden County will be based on a “parallel model,” meaning that, while cases in the pilot will remain on the CHINS docket, they will be overseen for treatment-related compliance purposes by a regional Judicial Master.

The Chief Superior Judge and staff from the Court Administrator’s Office are working with a Chittenden County-based planning team on the design of the pilot program and to secure funding to support its operations. Recently released Family Treatment [Best Practice Standards](#) promulgated by the National Association of Drug Court Professionals and the Center for Children and Family Futures are informing these efforts. It is anticipated that the pilot program will begin operation in during 2020.

System Evaluation

The Judiciary has contracted with the National Center for State Courts (NCSC) to conduct a review of how CHINS cases are processed and adjudicated. The project, which was requested

by the Legislature, will involve consideration of models used in other jurisdictions and will include court observations and input from community members, service providers, guardians ad litem, and individuals involved in Family Division proceedings. The final report, which is expected in the Fall of 2020, will include, among other things, the identification of effective and promising court-based strategies and recommendations regarding innovations that may reduce the need for intervention by the Department of Children and Families.

Judicial Master and Statewide Programs Manager

The Judiciary is hiring a Judicial Master to assist in the screening, identification, prioritization and overall case management of CHINS cases around the state as needed. The Judicial Master will also preside over select hearings and reviews involving parents involved in regional treatment docket programs, to include any hearings and reviews related to parent-child contact; preliminary hearings and status conferences; and screening cases for mediation or other restorative processes such as family group conferencing.

The Judiciary is also hiring a statewide Programs Manager to assist in the development and administration of family behavioral health programs within the Judiciary. Accordingly, this person will be involved in the planning for and administration of regional treatment dockets, such as the pilot program recently authorized. A number of counties have expressed interest in such programs.

Access to Justice

Judiciary Access and Resource Center

Plans are underway to convert space in the Costello Courthouse in Burlington into a Judiciary Access and Resource Center. The goals of the Access and Resource Center are as follows:

- Establish a Self-Help Center – The center will provide a variety of free services and procedural assistance to self-represented people, in person, over the phone, online, and by email.
- Establish a Language Access Center – The center will support the Judiciary’s Language Access Program and will include a space for video remote interpreting services and a space for interpreter training.
- Information Center Staff – The proposed space is sufficient to deploy some Information Center staff from other locations in the building. This relocation will facilitate the expansion of centralized services provided by the Information Center, and enable staff to provide services in the proposed Self-Help Center.

Desired features of the Access and Resource Center include the following:

- A walk-up window suitable for convenient and semi-private exchanges between staff and individuals needing assistance, with enough counter space to accommodate more than one person at a time; space at open workstations for more detailed conversation between visitors and staff;
- Adequate and comfortable seating for those waiting to be assisted, with safe and convenient space for youth/children to wait and play;
- Space to make available an array of brochures and informational packets regarding court procedures and resources and services provided by stakeholders (e.g., organizations assisting people needing domestic violence services; organizations serving New Americans; legal services organizations such as Vermont Legal Aid and Legal Services Vermont; and family and youth serving organizations);
- Space for small group training, perhaps doubling as general meeting space for small groups;
- Conference space to be used for informational seminars or public clinics, with the ability to project videos, PowerPoint presentations, and with the ability to record and transmit presentations live to other locations;
- Space from which to deliver video remote interpreting;
- Office space for individuals needing to meet with a volunteer pro-bono or “low bono” lawyer to do so; and
- Space in which to install public access terminals.

Language Access Program Enhancements

The Judiciary is committed to continuing to enhance its Language Access Program. Using the results of a recent independent analysis of the Judiciary’s Language Access Plan, Court Administrator’s Office staff are working with the U.S. Department of Justice on the identification and implementation of strategies to ensure that persons with limited English proficiency receive the language access services they need. Activities to be undertaken in the coming year will include, but not be limited to, the following:

- Supporting an External Advisory Committee (EAC) comprised of a cross-section of people with insight into the language access needs of Vermonters. The purpose of the EAC is to provide information to the Court Administrator’s Office about language barriers faced by court-involved individuals with limited English proficiency and to provide input to the Court Administrator’s Office on strategies for remediating language barriers across the Judiciary;
- Assessing the utility of the use of video remote interpreting and developing the capacity to conduct video remote interpreting, as needed and appropriate;
- Refining a language access complaint process;
- Addressing interpreter training and qualification issues; and
- Translating key forms into languages other than English

