


## Judicial Branch FY 2009 Change Request

Schedule 13							
<b>Request Title:</b>		<b>Decision Item FY 08-09</b> X		<b>Base Reduction Item FY 08-09</b>			
<b>Department:</b>		Judicial Branch		<b>Dept. Approval by:</b> 			
<b>Priority Number:</b>		1		<b>OSP Approval:</b> N/A			
	Fund	1	2	5	6	7	10
		Prior-Year Actual FY 06-07	Appropriation FY 07-08	Base Request FY 08-09	Decision/ Base Reduction FY 08-09	November 1 Request FY 08-09	Outyear Costs FY 09-10
<b>Total of All Line Items</b>	<b>Total</b>	113,463,679	106,121,305	138,391,937	1,362,484	139,754,422	1,257,017
	<b>FTE</b>	1,608.5	1,715.0	1,835.0	28.5	1,863.5	28.5
	<b>GF</b>	98,053,984	92,144,332	114,881,212	42,202	114,923,415	44,735
	<b>CF</b>	14,211,595	13,976,973	23,510,725	1,320,282	24,831,007	1,212,282
	<b>FF</b>	1,198,100	-	-	-	-	-
<b>Trial Courts</b>	<b>Total</b>	104,889,064	98,558,722	110,358,872	1,004,065	111,362,937	1,006,543
Personal Services	<b>FTE</b>	1,608.5	1,715.0	1,835.0	28.5	1,863.5	28.5
	<b>GF</b>	97,830,033	91,735,045	96,330,562	\$27,252	96,357,814	29,730
	<b>CF</b>	5,860,931	6,823,677	14,028,310	976,813	15,005,123	976,813
	<b>FF</b>	1,198,100	-	-	-	-	-
Operating	<b>Total</b>	7,545,228	6,693,883	6,884,633	27,576	6,912,209	27,576
	<b>GF</b>	223,951	268,264	268,264	976	269,240	976
	<b>CF</b>	7,321,277	6,425,619	6,616,369	26,600	6,642,969	26,600
Capital Outlay	<b>Total</b>	1,029,387	868,700	541,421	108,001	649,422	-
	<b>GF</b>	-	141,023	-	-	-	-
	<b>CF</b>	1,029,387	727,677	541,421	108,001	649,422	-
<b>Special Purpose</b>	<b>Total</b>	-	-	16,310,101	200,531	16,510,632	200,531
Health/Life/Dental	<b>GF</b>	-	-	14,411,739	13,369	14,425,108	13,369
	<b>CF</b>	-	-	1,898,362	187,162	2,085,524	187,162
<b>Special Purpose</b>	<b>Total</b>	-	-	237,270	1,170	238,440	1,172
Short Term Disability	<b>GF</b>	-	-	214,098	32	214,130	35
	<b>CF</b>	-	-	23,172	1,138	24,310	1,138
<b>Special Purpose</b>	<b>Total</b>	-	-	3,093,059	14,395	3,107,454	14,431
Amortization Equal. Disb.	<b>GF</b>	-	-	2,785,942	391	2,786,333	427
	<b>CF</b>	-	-	307,117	14,004	321,121	14,004
<b>Special Purpose</b>	<b>Total</b>	-	-	966,581	6,748	973,329	6,765
Supplemental Amortiz. Equalization Disb.	<b>GF</b>	-	-	870,607	183	870,790	200
	<b>CF</b>	-	-	95,974	6,565	102,539	6,565
<b>Letternote revised text: Letternote A:</b> Of this amount, an estimated \$19,896,382 shall be from the Judicial Stabilization Cash Fund....							
<b>Cash Fund name/number, Federal Fund Grant name:</b> Judicial Stabilization Cash Fund							
<b>IT Request:</b> Yes No X							
<b>Request Affects Other Departments:</b> Yes No X							

## **Request Summary**

The Judicial Branch requests spending authority for 28.50 additional case processing staff.

## **General Description of Request**

In February 2006, the Judicial Branch presented the General Assembly with a multi-year plan to address historical understaffing that would allow the Department to reach full staffing by FY 2011. The request for spending authority in this decision item represents the Department's continuing efforts to implement this plan.

The basic functions of the court--peacefully resolving disputes, and protecting rights and liberties--are duties owed to the citizens of Colorado under Article VI of the State Constitution. Adequate judges and court personnel are essential in order for the courts to fulfill their necessary functions. If there are not sufficient judges and staff to keep pace with the workload, it is the people seeking redress through the courts who are harmed because they are deprived of an opportunity to have their cases carefully decided in a timely manner.

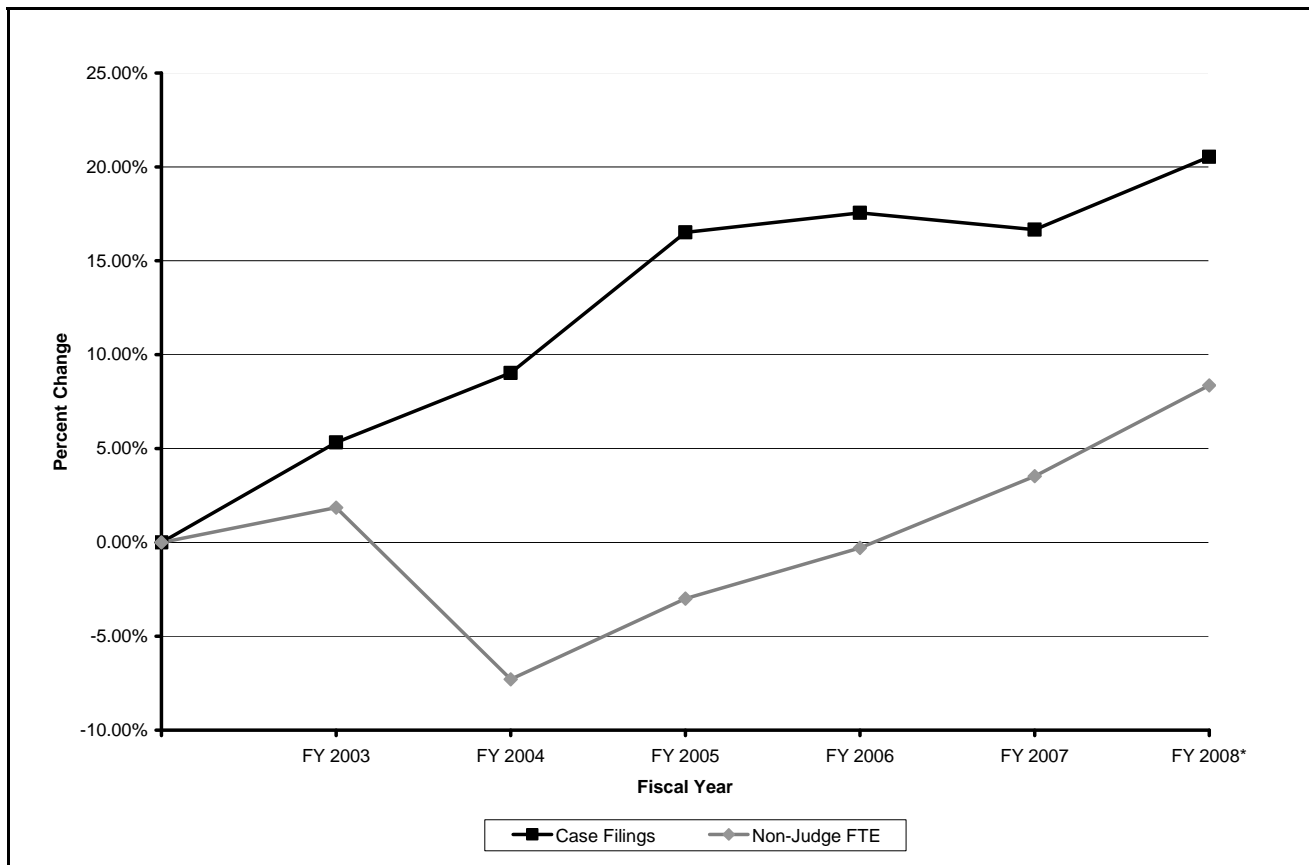
Colorado's trial courts serve citizens of each county in the state. The trial courts consist of both district courts (general jurisdiction) and county courts (limited jurisdiction). In Fiscal Year 2007, the total number of new filings for district and county courts was 739,856 and is estimated to rise to 764,509 by the end of FY 2008. This represents an overall increase of 20.5% since FY 2002. During the same time frame, the number of funded support staff FTE in the state's trial courts has increased by 8.4%<sup>1</sup> (approximately 40% the rate of caseload growth). See Figure 1 on the following page.

While the average increase in caseload across the state has been 20.5 % since FY 2002, the growth in the three districts with the greatest staffing deficiencies (Districts 9, 17 and 7) has averaged almost twice the statewide rate (40.1%) over the same time period. For FY 2008, the branch received 28.0 new case processing staff. Despite this infusion of resources, the state's trial courts continue to indicate a need for an additional support staff (115.0 FTE) based on caseload growth by 2009.

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<sup>1</sup> The staffing reduction from FY 2003 to 2004 indicates the elimination of funding for 120.0 FTE, 30.0 of which are reflected as restored from FY 2004 to 2005.

**Figure 1: Funded FTE and Case Filing History FY 2002-2008**



\* FY 2008 Filings are estimates.

**Need for Trial Court Support Staff**

This decision item reflects a continued need for additional trial court support staff, and is driven primarily by changes in the nature of their work and the demands of the Branch’s continued commitment to meeting the ABA standards for case processing, as modified to conform to Colorado rules and law. Trial court support staff plays a vital role in the Branch’s ability to maintain and improve the timeliness of case processing. In 2006, the branch submitted a 5-year plan to the Joint Budget Committee that indicated the number of trial court support staff needed to alleviate the staffing deficits faced by the Branch.

Since the staff reductions in FY 2004, the Judicial Department maximized limited resources and streamlined procedures wherever feasible, while employing technology wherever practical to increase the efficiency of case processing staff. However, despite the increased functionality gained through technology, the Branch must ultimately rely on staff to enter data at critical stages in the judicial process.

With the support of the Joint Budget Committee and the passage of key legislation<sup>2</sup>, the branch has been able to make progress toward full staffing. Despite the allocation of resources included

<sup>2</sup> HB-07-1054 which provides for the cash funding of additional judges and associated staff in the state’s trial courts through FY 2010.

in the judge bill, a number of districts (particularly those not slated to receive additional judges) are anticipated to remain understaffed.

With the addition of the new staff in this request, the state's trial courts are nearing complete restoration of resources and are projected to be in a position to fully meet the base obligations with which they are charged. Once this has been accomplished, the trial courts can turn their attention from being reactive to in their approach to everyday functions to taking a more proactive position in dealing with the business of the courts. For example, the courts can employ resources to pursue additional enhancements such as increased utilization of family court facilitators, and the integration of problem-solving courts.

The requested positions are to be fully cash funded, no general fund appropriation is necessary. By redirecting approximately \$25 million to the Judicial Stabilization cash fund over the next three years, HB-07-1054 provided the funding mechanism for the branch's trial court staff needs while reducing pressure on the general fund (given the 6% growth restriction).

### **Consequences if Not Funded**

Without additional staff, the trial courts will remain solely focused on meeting their core obligations. Due to concerns about the adequacy of staffing there will be little innovation in modifying the services provided to the public, ultimately affecting the quality of justice provided. The Branch has made every reasonable effort to realize workload efficiencies. Given current constitutional and statutory obligations, along with rising case filings, the courts will likely have struggle in meeting their core obligations.

**Calculations for Request**

<b>PERSONAL SERVICES CALCULATIONS</b>						
						<b>GRAND TOTAL</b>
		<b>FY 08-09</b>	<b>FY 08-09</b>	<b>FY 08-09</b>	<b>FY 08-09</b>	<b>FY 09-10</b>
<b>PERSONAL SERVICES</b>		<b>Court Judicial Assistant</b>	<b>HR Analyst</b>	<b>Computer Tech.</b>		
Number of PERSONS / class title		<b>28.00</b>	<b>0.25</b>	<b>0.25</b>	<b>28.50</b>	<b>28.50</b>
Monthly base salary	\$	<b>2,605</b>	<b>4,763</b>	<b>4,117</b>		
Number months working in FY 08-09		<b>11</b>	<b>11</b>	<b>11</b>		
Salary		\$802,340	\$13,098	\$11,322	\$826,760	\$901,920
PERA	<b>10.15%</b>	\$81,438	\$1,329	\$1,149	\$83,916	\$91,545
AED	<b>1.60%</b>	\$12,837	\$210	\$181	\$13,228	\$14,431
SAED	<b>0.75%</b>	\$6,018	\$98	\$85	\$6,201	\$6,765
Medicare	<b>1.45%</b>	\$11,634	\$190	\$164	\$11,988	\$13,078
Health/Life/Dental	<b>6.684</b>	\$187,162	\$6,684	\$6,684	\$200,531	\$200,531
Short-Term Disability	<b>0.13%</b>	\$1,043	\$17	\$15	\$1,075	\$1,172
<b>Subtotal Personal Services</b>		<b>\$1,102,472</b>	<b>\$21,627</b>	<b>\$19,600</b>	<b>\$1,143,699</b>	<b>\$1,229,442</b>
<b>OPERATING</b>						
Supplies @ \$500/FTE	\$ <b>500</b>	\$14,000	\$125	\$125	\$14,250	\$14,250
Travel @ \$1000/FTE	\$ <b>1,000</b>	\$0	\$250	\$250	\$500	\$500
Telephone Base @ \$450/FTE	\$ <b>450</b>	\$12,600	\$113	\$113	\$12,825	\$12,825
<b>Subtotal Operating</b>		<b>\$26,600</b>	<b>\$488</b>	<b>\$488</b>	<b>\$27,575</b>	<b>\$27,575</b>
<b>CAPITAL OUTLAY</b>						
Computer @ \$959/FTE	\$ <b>959</b>	\$26,852	\$0	\$0	\$26,852	
Laptop @ \$1,500/FTE	\$ <b>1,500</b>	\$0	\$375	\$375	\$750	
Office Suite Software @ \$300/FTE	\$ <b>300</b>	\$8,400	\$75	\$75	\$8,550	
Office Equipment @ \$2,021 /FTE	\$ <b>2,021</b>	\$56,588	\$505	\$505	\$57,599	
Printer @ \$500/FTE	\$ <b>500</b>	\$14,000	\$125	\$125	\$14,250	
<b>Subtotal Capital Outlay</b>		<b>\$105,840</b>	<b>\$1,080</b>	<b>\$1,080</b>	<b>\$108,001</b>	<b>\$0</b>
<b>GRAND TOTAL ALL COSTS</b>		<b>\$1,234,912</b>	<b>\$23,195</b>	<b>\$21,168</b>	<b>\$1,279,274</b>	<b>\$1,257,017</b>

**Assumptions for Calculations**

***Personal Services***

All personal services calculations were based on FY08-09 Common Policies

***Administrative Support Positions***

HR Analyst and Computer Technician requested at 1.0 FTE per 100 new staff. This ratio is consistent with the ratio approved by the JBC in funding FY 2008 decision items.

**Impact on Other Government Agencies**

No impact on other state agencies is anticipated.

**Statutory Authority**

Sections 13-5-101, et seq. and 13-6-101, et seq., C.R.S.

**Performance Measures**


<b>MEASURE II-1(a):</b>					
<b>Objective – Trial Court Case dispositions should keep pace with the number of filings.</b>					
<b>Performance Measure</b>	<b>Outcome</b>	<b>FY 07-08 (actual)</b>	<b>FY 08-09 (actual)</b>	<b>FY 09-10 (estimate)</b>	<b>FY 10-11 (projected)</b>
Clearance rate of district court civil cases filed annually.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A
Clearance rate of county court civil cases filed annually.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A
Clearance rate of felony cases filed annually.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A
Clearance rate of misdemeanor cases filed annually.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A
Clearance rate of juvenile delinquency cases filed annually.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A
Clearance rate of domestic relations cases filed annually.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A
Clearance rate of traffic cases filed annually.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A

<b>MEASURE II-2(a):</b>					
<b>Objective – Trial Court case dispositions should occur within established time standards.</b>					
<b>Performance Measure</b>	<b>Outcome</b>	<b>FY 07-08 (actual)</b>	<b>FY 08-09 (actual)</b>	<b>FY 09-10 (estimate)</b>	<b>FY 10-11 (projected)</b>
Percentage of district court civil dispositions meeting established time standards.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A
Percentage of county court civil dispositions meeting established time standards.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A
Percentage of felony dispositions meeting established time standards.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A
Percentage of misdemeanor dispositions meeting established time standards.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A
Percentage of juvenile dispositions meeting established time standards.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A
Percentage of domestic relations dispositions meeting established time standards.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A
Percentage of traffic dispositions meeting established time standards.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A

<b>MEASURE II-3:</b>					
<b>Objective – Pending cases in the state’s trial courts should fall within established time frames.</b>					
<b>Performance Measure</b>	<b>Outcome</b>	<b>FY 07-08 (actual)</b>	<b>FY 08-09 (actual)</b>	<b>FY 09-10 (estimate)</b>	<b>FY 10-11 (projected)</b>
Percentage of pending district court civil cases falling within established time frames from the date of filing.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A
Percentage of pending county court civil cases falling within established time frames from the date of filing.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A
Percentage of pending felony cases falling within established time frames from the date of filing.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A
Percentage of pending misdemeanor cases falling within established time frames from the date of filing.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A
Percentage of pending juvenile cases falling within established time frames from the date of filing.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A
Percentage of pending domestic relations cases falling within established time frames from the date of filing.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A
Percentage of pending traffic cases falling within established time frames from the date of filing.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A



## Judicial Branch FY 2009 Change Request

Schedule 13							
<b>Request Title:</b>		<b>Decision Item FY 08-09 X</b>			<b>Base Reduction Item FY 08-09</b>		
<b>Department:</b>		Regular Probation Officers and Staff			Judicial Branch		
<b>Priority Number:</b>		2			<b>Dept. Approval by:</b>  <b>OSPB Approval:</b> N/A		
	Fund	1	2	5	6	7	10
		Prior-Year Actual FY 06-07	Appropriation FY 07-08	Base Request FY 08-09	Decision/ Base Reduction FY 08-09	November 1 Request FY 08-09	Outyear Costs FY 09-10
<b>Total of All Line Items</b>	<b>Total</b>	56,604,362	63,859,572	89,685,370	3,312,555	92,997,925	3,327,892
	<b>FTE</b>	835.7	1,081.0	1,081.0	50.4	1,131.4	50.4
	<b>GF</b>	52,658,751	54,563,496	77,640,843	3,312,555	80,953,398	3,327,892
	<b>CF</b>	3,945,611	9,296,076	12,044,527	-	12,044,527	-
<b>Probation Services</b>	<b>Total</b>	54,399,088	60,889,030	66,489,381	2,584,424	69,073,805	2,819,374
Personal Services	<b>FTE</b>	835.7	1,081.0	1,081.0	50.4	1,131.4	50.4
	<b>GF</b>	50,571,080	52,000,053	57,176,578	2,584,424	59,761,002	2,819,374
	<b>CF</b>	3,828,008	8,888,977	9,312,803	-	9,312,803	-
Operating	<b>Total</b>	2,081,402	2,588,978	2,588,978	98,280	2,687,258	98,280
	<b>GF</b>	1,963,799	2,181,879	2,181,879	98,280	2,280,159	98,280
	<b>CF</b>	117,603	407,099	407,099	-	407,099	-
Capital Outlay	<b>Total</b>	123,872	381,564	-	224,832	224,832	-
	<b>GF</b>	123,872	381,564	-	224,832	224,832	-
<b>Special Purpose</b>	<b>Total</b>	-	-	16,310,101	347,587	16,657,688	347,587
Health/Life/Dental	<b>GF</b>	-	-	14,411,739	347,587	14,759,326	347,587
	<b>CF</b>	-	-	1,898,362	-	1,898,362	-
<b>Special Purpose</b>	<b>Total</b>	-	-	237,270	3,011	240,281	3,284
Short Term Disability	<b>GF</b>	-	-	214,098	3,011	217,109	3,284
	<b>CF</b>	-	-	23,172	-	23,172	-
<b>Special Purpose</b>	<b>Total</b>	-	-	3,093,059	37,052	3,130,111	40,421
Amortization Equal. Disb.	<b>GF</b>	-	-	2,785,942	37,052	2,822,994	40,421
	<b>CF</b>	-	-	307,117	-	307,117	-
<b>Special Purpose</b>	<b>Total</b>	-	-	966,581	17,369	983,950	18,946
Supplemental Amortiz. Equalization Disb.	<b>GF</b>	-	-	870,607	17,369	887,976	18,946
	<b>CF</b>	-	-	95,974	-	95,974	-
<b>Letternote revised text:</b>		N/A					
<b>Cash Fund name/number, Federal Fund Grant name:</b>							
<b>IT Request:</b>		Yes No X					
<b>Request Affects Other Departments:</b>		Yes No X					

## **Request Summary**

The Judicial Department is requesting funding for 35.5 additional regular probation officers plus associated support staff to improve results and further reduce the number of revocations and subsequent DOC sentences due to technical violations and absconding.

## **General Description of Request**

In determining the need for probation officers, the Colorado Judicial Branch employs a workload model that differentiates the amount of time necessary to prepare pre and post sentence investigations and reports and supervise offenders based on the assessed risk level in each case type (regular adult and juvenile, domestic violence, juvenile sex offenders and non-Sex Offender Intensive Supervision Probation adult sex offenders).<sup>1</sup> The total of the time values representing the work necessary to complete investigations and reports and to provide supervision is used to derive the FTE need. Specialized programs for the highest risk cases are not included in these calculations because each program has a prescribed number of cases to officer ratio (capped caseload). Based on this methodology, Regular probation in Colorado is currently staffed at 81.2% of full staffing, indicating a need for approximately 209 additional probation FTE.

**Probation Workload and Staffing,<sup>a</sup> FY2004-05 to FY 2011-12 (est)**

	<b>FY 04-05</b>	<b>FY 05-06</b>	<b>FY 06-07</b>	<b>FY 07-08 (est.)</b>	<b>FY 08-09 (est.)</b>	<b>FY 09-10 (est.)</b>	<b>FY 10-11 (est.)</b>	<b>FY 11-12 (est.)</b>
Staffed Cases <sup>b</sup>	60,163	56,088	60,464	70,406	73,614	76,979	80,509	84,212
PSI's <sup>b</sup>	23,846	25,861	24,896	49,279	49,771	50,267	50,769	51,276
FTE Need	794.5	904.3	923.0	1,100.0	1,138.0	1,178.0	1,220.0	1,264.0
FTE Approp <sup>a</sup>	616.0	678.0	699.0	893.0	943.0	1,023.0	1,103.0	1,183.0
Percent Full Staffing	77.5%	75.0%	75.7%	81.2%	82.9%	86.8%	90.4%	93.6%

<sup>a</sup> For FY 2008-09, the FTE appropriation assumes funding of the decision item as requested, which would provide 48.8 additional probation staff. For FY 2008-09 and beyond, the appropriation assumes an additional 80.0 FTE per year as outlined in the Department's Five- Year Plan.

<sup>b</sup> The significant increase in Staffed Cases and PSIs from FY06-07 to FY07-08 is due to the integration of the Alcohol/Drug Driving Safety(AADS) program into the staffing model.

In order to more nearly meet the workload demands, while at the same time considering budgetary constraints, the Branch is requesting an additional 35.5 regular probation officers plus associated staff.<sup>2</sup> This represents an incremental step towards achieving the goals set out in the five-year plan for full staffing.

An analysis of data from FY 2002 through FY 2007 reflects a primary area of concern for the probation department is the limited ability to effectively employ intermediate sanctions in

<sup>1</sup> The workload value reflects the average amount of time required to complete the average activities required to supervise each case or complete each report.

<sup>2</sup> Supervisory and clerical staff is requested using a probation officer staff ratio of 4:1 for clerical and a combined probation officer and clerical staff ratio of 8:1 for supervisors. Additionally, Human Resources and Information Technology support staff are requested at a ratio of 1:82 and 1:50 to new FTE to properly reflect the complete cost of staff resources.

response to offender technical violations or to spend time locating and recovering offenders that abscond from supervision.

**FY02-06: Adult and Juvenile Tech. Violation and Absconder Revocations and Commitment Rates**

	FY01-02	FY02-03	FY03-04	FY04-05	FY05-06	FY06-07
<b>Adult Tech. Viol. Revocations</b>	1,356	1,560	1,658	1,576	1,786	1,829
<b>Absconders</b>	2,663	3,205	3,799	3,537	3,238	3,197
<b>Commitment rate</b>	28.7%	26.2%	26.1%	25.4%	22.4%	19.1%
<b>DOC beds</b>	1,153	1,248	1,424	1,299	1,125	960

<b>Juv. Tech. Viol. Revocations</b>	720	863	898	942	823	685
<b>Absconders</b>	343	382	400	411	394	310
<b>Commitment Rate</b>	38.5%	46.0%	45.0%	41.7%	39.8%	39.8%
<b>DYC Placements</b>	409	573	584	564	484	396

Source: FY02-06 Annual Statistical Reports and Annual Recidivism Footnote Reports

Judicial is taking steps to improve results with existing resources. With the funds available in the Offender Treatment and Services line and the new funding available under SB03-318 probation is able to offer added treatment for indigent offenders when treatment resources are available in the community. Probation Services is also reviewing and applying Evidence Based research to ensure good return on investment; training on Motivation Interviewing and Relapse prevention (which have been linked to success) have been upgraded for delivery to field probation officers. Despite these initiatives, due to the current limited level of staffing, probation officers do not have adequate time to fully utilize intermediate sanctions and monitor their effectiveness.<sup>3</sup> The average caseload size on regular probation particularly in adult probation is too large to allow for full use of intermediate sanctions. Instead, for public safety reasons, the filing of a motion to revoke probation has become the default response resulting in a significant number of cases being sentenced to DOC or DYC. Revocations based on technical violations usually occur after the offender has engaged in a series of rule violations, such as failure to report, comply with treatment or testing positive for drug use. The same patterns of non-compliance also often precede an offender absconding from supervision. These occurrences are viewed as indicators of increased risk and require the application of intermediate sanction responses designed to interdict the behavior of the offender in order to protect public safety and to deliver a consequence for the violation. Intermediate sanctions are intended to cause the offender to come back into compliance with the court's orders and are designed to respond any underlying cause for the violations. Since technical violations are, in many cases, precursor behavior to the commission of new crime it is likely that efforts to reduce revocations due to technical violations will directly reduce repeat adult and juvenile offenders from committing new crimes. Absent sufficient regular probation staff to appropriately manage offenders at the beginning of their sentence it is unlikely that the incidence of technical violation or absconder revocations can be significantly reduced.

One intermediate sanction option available to probation officers is to seek a revocation and request a modification of sentence to allow for the placement of the offender into a specialized

<sup>3</sup> Examples that require court authorization are the use of electronic monitoring, GPS monitoring, additional useful public service and jail sentences. Examples that do not require court attention are increased levels of supervision and reporting, new treatment or adjustments to treatment intensity, curfews, increased drug testing and home visits. All of these activities require additional time for monitoring and responses to violations.

adult or juvenile intensive supervision program (ISP). These programs have been developed at the request of the General Assembly as an alternative to the use of more expensive correctional alternatives. The goal is to increase the level of supervision and monitoring, coupled with the provision of appropriate treatment and service resources to restore the offender to a sufficient level of stability such that they can again be successfully supervised on regular probation. This practice accounts for approximately 50 percent of the total placements in specialized programs. The difficulty with increased use of this option is that specialized program staff are a fixed and limited resource with capped caseloads resulting in limited access to this resource.

In addition, several studies<sup>4</sup> have shown that a reduction in the caseload size for high-risk offenders in conjunction with treatment intervention reduces the recidivism and technical violation rate.

In the Maryland Proactive Community Supervision (PCS) program, moderate and high risk probationers and parolees were supervised in reduced caseloads of 55 (compared with the normal 100), according to an evidence-based model of intervention. The evaluation included 274 randomly selected cases for PCS, matched with 274 cases supervised under the traditional model (non-PCS). The results reveal that the PCS cases had significantly lower rearrest rates (32.1% for PCS vs. 40.9% for non-PCS) and significantly lower technical violation rates (20.1% for PCS vs. 29.2% for non-PCS).

Second, in Connecticut, probationers at risk of violation and offenders being released from prison were supervised in caseloads of 25, also according to an evidence-based model of intervention. The evaluation results showed that both programs were able to reduce the rate of technical violations among the probationers, most dramatically among those who were failing under regular supervision and were referred to a special unit for supervision. This group's violation rate was 30% but was expected to be 100%, as the offenders were on the verge of being violated before they were placed in the program.

Independent of specialized programs, adequate resources for regular supervision must be in place to efficiently and effectively handle the bulk of offenders at that level.

### **Consequences if Not Funded**

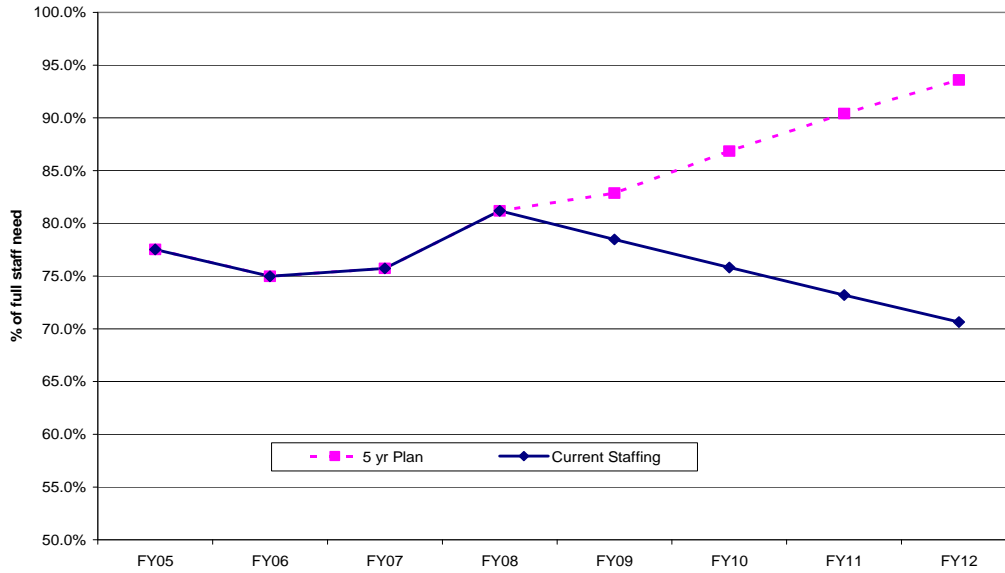
Without these resources, and future officers to keep up with caseload growth, staffing level would drop to 70% of need within 5 years. [See chart below]

Ultimately, understaffing in probation results in increased public risk, increased levels of failure and increased numbers of commitments to DOC and DYJ at a substantial cost to the state. The rising prison population has pushed the state to a serious breaking point. Absent an appropriate allocation of resources to deal with the present caseload, the rising prison population and its associated costs are bound to continue.

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<sup>4</sup> Burrell Bill. (2006) Caseload Standards for Probation and Parole. Paper issued by The American Probation and Parole Association

**Probation Officer Staffing**



**Calculations for Request**

PERSONAL SERVICES CALCULATIONS								
							GRAND TOTAL	
		FY 08-09	FY 08-09	FY 08-09	FY 08-09	FY 08-09	FY 08-09	FY 09-10
PERSONAL SERVICES		Probation Officer	Support Services	Supervisor	HR Analyst	Computer Tech.		
Number of PERSONS / class title		35.50	7.90	5.40	0.60	1.00	50.40	50.40
Monthly base salary	\$	4,141	2,386	7,027	4,593	3,970		
Number months working in FY 08-09		11	11	11	11	11		
Salary		\$1,617,061	\$207,343	\$417,404	\$30,314	\$43,670	\$2,315,792	\$2,526,318
PERA	10.15%	\$164,132	\$21,045	\$42,366	\$3,077	\$4,433	\$235,053	\$256,422
AED	1.60%	\$25,873	\$3,317	\$6,678	\$485	\$699	\$37,052	\$40,421
SAED	0.75%	\$12,128	\$1,555	\$3,131	\$227	\$328	\$17,369	\$18,946
Medicare	1.45%	\$23,447	\$3,006	\$6,052	\$440	\$633	\$33,578	\$36,633
Health/Life/Dental	6.684	\$240,637	\$53,475	\$40,106	\$6,684	\$6,684	\$347,587	\$347,587
Short-Term Disability	0.13%	\$2,102	\$270	\$543	\$39	\$57	\$3,011	\$3,284
<b>Subtotal Personal Services</b>		\$2,085,380	\$290,011	\$516,280	\$41,267	\$56,504	\$2,989,441	\$3,229,611
<b>OPERATING</b>								
Supplies	\$ 500	\$17,750	\$3,950	\$2,700	\$300	\$500	\$25,200	\$25,200
Travel	\$ 1,000	\$35,500	\$7,900	\$5,400	\$600	\$1,000	\$50,400	\$50,400
Telephone	\$ 450	\$15,975	\$3,555	\$2,430	\$270	\$450	\$22,680	\$22,680
<b>Subtotal Operating</b>		\$69,225	\$15,405	\$10,530	\$1,170	\$1,950	\$98,280	\$98,280
<b>CAPITAL OUTLAY</b>								
Computer	\$ 900	\$0	\$7,110	\$0	\$0	\$0	\$7,110	
Laptop	\$ 1,500	\$53,250	\$0	\$8,100	\$900	\$1,500	\$63,750	
Office Suite Software	\$ 330	\$11,715	\$2,607	\$1,782	\$198	\$330	\$16,632	
Office Equipment	\$ 2,225	\$78,988	\$17,578	\$12,015	\$1,335	\$2,225	\$112,140	
Printer	\$ 500	\$17,750	\$3,950	\$2,700	\$300	\$500	\$25,200	
<b>Subtotal Capital Outlay</b>		\$161,703	\$31,245	\$24,597	\$2,733	\$4,555	\$224,832	\$0
<b>GRAND TOTAL ALL COSTS</b>		\$2,316,308	\$336,661	\$551,407	\$45,170	\$63,009	\$3,312,553	\$3,327,891

**Assumptions for Calculations**

All personal services calculations were based on FY08-09 Common Policies.

**Impact on Other Government Agencies**

Although there is no direct impact on other Government Agencies, if this decision item is not funded, the costs to the state would be absorbed by DOC and DYC (as seen in the Cost/Benefit Analysis).

**Cost/Benefit Analysis**

**Adult and Juvenile cost/ cost avoidance comparison based on reduction in annual number of revocations**

10% adult revocation reduction (96 DOC beds) @ \$26,813/bed	10% juvenile revocation reduction (40 DYC beds) @ \$64,605/bed	Total DOC/DYC Cost	Cost of 48.4 Probation Staff	Net Cost Avoidance
2,574,048	2,584,200	5,158,248	3,312,553	1,845,695
20% adult revocation reduction (192 DOC beds) @ \$26,813/bed	20% juvenile revocation reduction (80 DYC beds) @ \$64,605/bed	Total DOC/DYC Cost	Cost of 48.4 Probation Staff	Net Cost Avoidance
5,148,096	5,168,400	10,316,496	3,312,553	7,003,943
30% adult revocation reduction (288 DOC beds) @ \$26,813/bed	30% juvenile revocation reduction (120 DYC beds) @ \$64,605/bed	Total DOC/DYC Cost	Cost of 48.4 Probation Staff	Net Cost Avoidance
7,722,144	7,752,600	15,474,744	3,312,553	12,162,191

**Implementation Schedule**

Task	Month/Year
Governor Signs Long Bill	May, 2008
Probation Services reviews latest caseload need and recommends district allocations	May, 2008
Chief Probation Officers review recommendations and endorse allocation plan	June, 2008
Hiring process begins	July, 2008
Hiring of probation officers and related staff completed	August, 2008

**Statutory Authority**

18-1.3-202 C.R.S., 13-3-101 C.R.S.

**Performance Measures**

<b>MEASURE I-3:</b>					
<b>Objective - Provide timely and comprehensive assessments and pre-sentence investigations reports (PSIR) that assist the courts in making sentencing decisions.</b>					
<b>Performance Measure</b>	<b>Outcome</b>	<b>FY 07-08 (actual)</b>	<b>FY 08-09 (actual)</b>	<b>FY 09-10 (estimate)</b>	<b>FY 10-11 (projected)</b>
Percent of (PSIR) completed with established time standards.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A

<b>MEASURE II-4:</b>					
<b>Objective – Increase enforcement of orders requiring payment of monetary penalties.</b>					
<b>Performance Measure</b>	<b>Outcome</b>	<b>FY 07-08 (actual)</b>	<b>FY 08-09 (actual)</b>	<b>FY 09-10 (estimate)</b>	<b>FY 10-11 (projected)</b>
Percentage of specialized program offenders paying court-ordered restitution while under program supervision.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A
Percentage of regular probation offenders (adult and juvenile) that pay 100% of court-ordered restitution while under program supervision.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A

<b>MEASURE II-5:</b>					
<b>Objective – Decrease rate of revocations for new crimes committed by offenders.</b>					
<b>Performance Measure</b>	<b>Outcome</b>	<b>FY 07-08 (actual)</b>	<b>FY 08-09 (actual)</b>	<b>FY 09-10 (estimate)</b>	<b>FY 10-11 (projected)</b>
Percentage of offenders committing new crimes while under probation supervision	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A

<b>MEASURE II-6:</b>					
<b>Objective – Reduce the rate of offenders who are negatively terminated for absconding.</b>					
<b>Performance Measure</b>	<b>Outcome</b>	<b>FY 07-08 (actual)</b>	<b>FY 08-09 (actual)</b>	<b>FY 09-10 (estimate)</b>	<b>FY 10-11 (projected)</b>
Percentage of offenders negatively terminated for absconding.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A

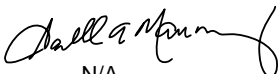
<b>MEASURE II-7:</b>					
<b>Objective</b> – Reduce the rate of offender revocations for technical violations that result in incarceration in prison, jail or NYC.					
<b>Performance Measure</b>	<b>Outcome</b>	<b>FY 07-08 (actual)</b>	<b>FY 08-09 (actual)</b>	<b>FY 09-10 (estimate)</b>	<b>FY 10-11 (projected)</b>
Percentage of offenders with revocations that result in incarceration.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A

<b>MEASURE II-8:</b>					
<b>Objective</b> – Improve the percentage of offenders and the length of compliance with interim performance measures. <i>(Not currently measurable)</i> <sup>5</sup>					
<b>Performance Measure</b>	<b>Outcome</b>	<b>FY 07-08 (actual)</b>	<b>FY 08-09 (actual)</b>	<b>FY 09-10 (estimate)</b>	<b>FY 10-11 (projected)</b>
Abstinance of offenders from alcohol and other drug use while under supervision.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A
Offender compliance with treatment plans.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A
Offender acquisition of skill building competencies.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A
Offender employment or education status.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A

<sup>5</sup> Although data on these measures is not currently available within the existing Judicial Case Management System (ICON/Eclipse), specifications for gathering this information have been developed as part of the rewrite that is underway, with estimated completion by FY 2010. Once capabilities for gathering this data have been completed, the system will be able to yield detailed aggregate data that will provide valuable insight to the performance of offenders on probation throughout the state.



## FY 2009 Change Request Judicial Branch

Schedule 13							
<b>Request Title:</b>		<b>Decision Item FY 08-09</b> X		<b>Base Reduction Item FY 08-09</b>			
<b>Department:</b>		Judicial Compensation		<b>Dept. Approval by:</b> 			
<b>Priority Number:</b>		3		<b>OSPB Approval:</b> N/A			
	Fund	1 Prior-Year Actual FY 06-07	2 Appropriation FY 07-08	5 Base Request FY 08-09	6 Decision/ Base Reduction FY 08-09	7 November 1 Request FY 08-09	10 Outyear Costs FY 09-10
<b>Total of All Line Items</b>	<b>Total</b>	5,707,904	12,128,483	13,955,268	1,172,896	15,128,163	1,172,896
	<b>GF</b>	5,441,376	10,966,419	12,406,844	1,172,896	13,579,739	1,172,896
	<b>CF</b>	266,528	1,162,064	1,548,424	-	1,548,424	-
<b>Special Purpose</b> Salary Survey	<b>Total</b>	4,652,652	9,900,228	9,895,628	1,149,430	11,045,058	1,149,430
	<b>GF</b>	4,447,399	8,998,493	8,750,295	1,149,430	9,899,724	1,149,430
	<b>CF</b>	205,253	901,735	1,145,333	-	1,145,333	-
<b>Special Purpose</b> Amortization Equal. Disb.	<b>Total</b>	1,055,252	1,885,200	3,093,059	15,977	3,109,036	15,977
	<b>GF</b>	993,977	1,669,756	2,785,942	15,977	2,801,919	15,977
	<b>CF</b>	61,275	215,444	307,117	-	307,117	-
<b>Special Purpose</b> Supplemental Amortiz. Equalization Disb.	<b>Total</b>	-	343,055	966,581	7,489	974,070	7,489
	<b>GF</b>	-	298,170	870,607	7,489	878,096	7,489
	<b>CF</b>	-	44,885	95,974	-	95,974	-
<b>Cash Fund name/number, Federal Fund Grant name:</b> N/A							
<b>IT Request:</b> Yes No X							
<b>Request Affects Other Departments:</b> Yes No X							

### Request Summary

The quality of the Judicial Branch should be among the highest priorities of state government. The highest priority of the Judicial Branch is to attract and maintain high-quality judges. This can only be achieved if judicial salaries are maintained at an appropriate level.

Due to the manner in which judicial salaries are presently indexed Colorado's judicial salaries have not kept pace with national judicial salary increases. Accordingly, the judicial branch is proposing an annual salary adjustment of 3% per year over a 4-year period (in addition to salary survey) to bring Colorado's judicial salaries into line nationally. The cost to implement this proposal for FY 2009 is approximately \$1.2 million.

### General Description of Request

In FY 2001, Colorado's Judicial Salaries were indexed against Administrative Law Judge (ALJ) positions in the executive branch, with compensation for county judges set at the ALJ III level. Subsequently, the Department of Personnel and Administration (DPA) in the Executive Branch revised the organizational structure and job classifications for ALJs in FY 2003.

Once this reorganization was completed, DPA revised the occupational groups to which ALJ salaries were compared in determining appropriate compensation, and ultimately indexed ALJ salaries to Colorado's Trial Judges. This created a circular salary comparison, where each group

was indexed to the other. As a result, neither group has received an increase beyond those included in statewide common policy (wage survey and performance based pay) since that time. Accordingly, a new method of determining appropriate compensation for Colorado's Judges needs to be established that eliminates the circular construct that presently exists.

In order to develop a new salary comparison framework, the Branch obtained compensation data on the following:

- Municipal Judges in the Denver metropolitan area including the cities of Arvada, Aurora, Englewood, Lakewood,
- Judges' salaries in other states,
- State of Colorado executive level compensation and
- Federal Judge compensation at varying levels

*Municipal Judge Salaries:*

Based on the municipalities represented, the average annual salary for a Presiding Municipal Judge in the Denver metropolitan area is \$118,775, which is approximately 4% higher than the FY2008 State of Colorado Judicial Department County Judge compensation.

The salary for Denver County Judges, currently \$141,000, was not included in calculating the average salary for municipal judges.

*Judges' Salaries in Other States:*

The National Center for State Courts (NCSC) has been collecting judicial salary data since 1976. The most recent survey (January 2007) published by the National Center of State Courts (NCSC) indicates that Colorado ranks 41<sup>st</sup> nationally for Highest Court (Supreme Court) salaries, among Intermediate Appellate Courts (Court of Appeals) Colorado's salaries rank 33<sup>rd</sup> out of 39, and 39<sup>th</sup> for General Jurisdiction Court (District Court). By aging each state's data by 3% (the average increase in judicial compensation nationally) and applying the 5.07% increase awarded to judges in Colorado for FY 2008, the rankings improve slightly (Colorado moves to 30<sup>th</sup> nationally for both Supreme Court and Court of Appeals and 31<sup>st</sup> for District Court).

Colorado's per capita income is currently the 8<sup>th</sup> highest in the nation and as reported by the Department of Personnel and Administration staff, a recent study indicates on average, Colorado state employee salaries rank approximately 12<sup>th</sup> in the nation. Accordingly, salaries for Colorado's Judges do not rank similarly with other state employees or other citizens of Colorado.

*State of Colorado Executive Compensation:*

Although the functions of the Colorado Supreme Court Chief Justice and Community College Presidents have only a slight similarity, it should be noted that compensation for the Chief Justice of the Colorado Supreme Court is 13% lower than the average salary of five Denver metropolitan area Community College Presidents (who do not have responsibility for operating an entire branch of government or making final decisions impacting the delivery of justice in the state of Colorado).

Colorado's Chief Justice is currently compensated at a level 6% lower than the average salary paid to Agency Executive Directors in Colorado, with the salary of the Chief Justice falling below the level paid to many SES positions throughout state government.

### Federal Judge Salaries:

The NCSC's January 2007 also includes Federal Magistrate and Judge salary data. The FY2008 compensation for the Chief Justice of the Colorado Supreme court is 15% lower than a Federal Magistrate and 25% lower than a Federal District Court Judge.

### Conclusion

Salaries paid to Colorado's judges have simply not kept pace with national judicial salaries. Colorado ranks 41<sup>st</sup> nationally for courts of last resort (Supreme Court) salaries, among Intermediate Appellate Courts Colorado's Court of Appeals salaries rank 33<sup>rd</sup> out of 39, and Colorado is currently 39<sup>th</sup> in terms of compensation for General Jurisdiction Courts (District Court).

On the lowest end of compensation for judges in Colorado, County Judges are currently compensated at a lower rate than that of the average rate for Presiding Municipal Judges, despite the more complex caseload handled by county judges<sup>1</sup>. In order to competitively recruit applicants for these positions and to account for a higher level of job complexity, it would seem prudent that County Judges be compensated higher than the Presiding Municipal Judges.

Based on a review of the compensation and responsibilities of the positions indicated above, an appropriate placement for Colorado Judge salaries is between the average Presiding Municipal Judge and the Federal District Court Judge. The Chief Justice of the Colorado Supreme Court would be adequately placed between the Federal Magistrate and the Federal District Court Judge. Under this overall structure Colorado's District Court Judges salaries would rank between 12<sup>th</sup> and 15<sup>th</sup> nationally.

### Implementation

Given the current fiscal situation, it would seem prudent to phase-in the increases over multiple years instead of implementing this adjustment in one fiscal year.

The following strategy would allow for the annual compensation for Colorado's District Judges to grow to \$154,594 by FY 2012, thus reaching an inflation adjusted level of approximately 12<sup>th</sup> to 15<sup>th</sup> in the nation. To accomplish this, the branch is seeking approval for a 3.0% annual adjustment, in addition to any wage survey or pay for performance increases awarded over the next 4 years. Under this proposal, judicial compensation would grow at an average rate of 6.75% per year, and ultimately increase by approximately 30% from the current levels of compensation.

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<sup>1</sup> The county court is a court of limited jurisdiction, handling cases involving serious public safety issues such as misdemeanor cases, felony advisements, setting bonds, and conducting preliminary hearings. County judges also issue search warrants, grant or hear protection orders in cases involving domestic violence, preside over traffic cases and civil actions involving no more than \$15,000 and preside over jury trials.

The movement in salaries by level of court, by year, is reflected in the figure below:

**Annual Salaries by Level of Court FY 2008-FY 2012, with 4 year Phased Increase:**

	County Judge	District Judge	COA Judge	SC Justice	Wage Survey and Performance Pay	3.0% per year Phase in	Annual change in Salary	Denver County Judges*	General Jurisdiction 12th in US*	General Jurisdiction 15th in US*
FY08	\$113,856	\$118,973	\$124,089	\$129,207			5.07%	\$141,000	\$139,919	\$135,800
1 FY09	\$123,015	\$128,384	\$133,751	\$139,120	4.91%	\$3,569	7.91%	\$145,230	\$144,117	\$139,874
2 FY10	\$131,480	\$137,051	\$142,619	\$148,189	3.75%	\$3,852	6.75%	\$149,587	\$148,441	\$144,070
3 FY11	\$140,522	\$146,302	\$152,079	\$157,858	3.75%	\$4,112	6.75%	\$154,075	\$152,894	\$148,392
4 FY12	\$150,180	\$156,177	\$162,170	\$168,166	3.75%	\$4,389	6.75%	\$158,697	\$157,481	\$152,844

\* estimated to increase at 3% per year

By applying the strategy and recommendations above<sup>2</sup>, Colorado judges' salaries will appropriately be placed between that of a Colorado Municipal Judge and Federal District Court Judge. Additionally, Colorado judge salaries will be ranked approximately 12th in the nation, similar to that of average Colorado state employees' salaries.

**Consequences if Not Funded**

Colorado enjoys a bench of state judges who are highly competent and dedicated to the task of resolving disputes. It is imperative that Colorado continues to be able to recruit, appoint, and retain a quality bench. The number of applicants for vacant judgeships has decreased from previous years and without an increase in compensation that number may continue to decline.

**Calculations for Request**

Level of Judge	FY 08 Salary	3.0% - Salary Adjustment	PERA	AED/ SAED	Medicare	Number of FTE	Total Cost
County Judge	\$113,856.00	\$3,416.00	\$466.63	\$80.28	\$49.53	89	\$357,106.59
District Judge	\$118,973.00	\$3,570.00	\$487.66	\$83.90	\$51.77	164	\$687,704.81
Court of Appeals Judge	\$124,089.00	\$3,723.00	\$508.56	\$87.49	\$53.98	22	\$96,206.79
Supreme Court Justice	\$129,207.00	\$3,877.00	\$529.60	\$91.11	\$56.22	7	\$31,877.47
<b>Total Cost -</b>							<b>\$1,172,895.66</b>

<sup>2</sup> For simplicity, the salaries of the Chief Justice of the Colorado Supreme Court and the Chief Judge of the Colorado Court of Appeals have been presented at the level of the other members of their respective courts. A salary differential of approximately 2.2% is paid to these positions above the salary rate paid to the other members of each court.

**Assumptions for Calculations**

***Personal Services***

All personal services calculations were based on FY08-09 Common Policies. Judicial PERA rate is 13.66% per annum.

**Impact on Other Government Agencies**

No impact on other state agencies is anticipated.

**Statutory Authority**


C.R.S. § 13-30-101, et. seq.

**Performance Measures**

<b>MEASURE I-1:</b>					
<b>Objective – Increase positive perceptions of court experience.</b>					
<b>Performance Measure</b>	<b>Outcome</b>	<b>FY 07-08 (actual)</b>	<b>FY 08-09 (actual)</b>	<b>FY 09-10 (estimate)</b>	<b>FY 10-11 (projected)</b>
Percentage of respondents surveyed indicating positive perception of access and fairness.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A

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## Judicial Branch FY 2009 Change Request

Schedule 13							
<b>Request Title:</b>		<b>Decision Item FY 08-09 X</b>		<b>Base Reduction Item FY 08-09</b>			
<b>Department:</b>		Court Appointed Counsel Rate Increases		<b>Dept. Approval by:</b> 			
<b>Priority Number:</b>		4		<b>OSPB Approval:</b> N/A			
	Fund	1 Prior-Year Actual FY 06-07	2 Appropriation FY 07-08	5 Base Request FY 08-09	6 Decision/ Base Reduction FY 08-09	7 November 1 Request FY 08-09	10 Outyear Costs FY 09-10
<b>Total of All Line Items</b>	<b>Total</b>	12,104,758	13,600,287	13,600,287	1,358,504	14,958,791	1,358,504
	<b>GF</b>	11,940,646	13,115,287	13,115,287	1,358,504	14,473,791	1,358,504
	<b>CF</b>	164,112	485,000	485,000	-	485,000	-
<b>Trial Courts Mandated Costs</b>	<b>Total</b>	12,104,758	13,600,287	13,600,287	1,358,504	14,958,791	1,358,504
	<b>GF</b>	11,940,646	13,115,287	13,115,287	1,358,504	14,473,791	1,358,504
	<b>CF</b>	164,112	485,000	485,000	-	485,000	-
<b>Letternote revised text:</b>		N/A					
<b>Cash Fund name/number, Federal Fund Grant name:</b>							
<b>IT Request:</b>		Yes      No <input checked="" type="checkbox"/>					
<b>Request Affects Other Departments:</b>		Yes      No <input checked="" type="checkbox"/>					

### Request Summary

Under both the United States and Colorado Constitutions, as well as state law, defendants and respondents in various criminal, delinquency, juvenile, and other matters are to be afforded due process in the courts, including the right to competent legal representation, regardless of their financial ability. Costs incurred by the Judicial Department associated with assuring that these rights are upheld are funded through the Mandated Costs line item. The Judicial Branch requests that an additional \$ for Mandated Costs be provided for the reasons outlined in this Decision Item.

### General Description of Request

The problem that must be addressed concerns the pay rates required to procure competent legal services, i.e., court-appointed counsel, to efficiently and effectively handle the representation of indigent parties. Despite the increases awarded in the past 2 years, Colorado's fees offered to court-appointed counsel continue to be severely below competitive and recommended court appointed counsel rates, meanwhile, the cost of doing business in the legal profession continues to rise.

The Judicial Branch needs additional funds to provide reasonable compensation for work performed. This will be critical to ensure Colorado's ability to maintain a base of qualified professionals willing to accept court appointments.

### Background

The Judicial Branch, in conjunction with Office of the Child's Representative (OCR) and Alternative Defense Counsel (ADC), has studied and evaluated the needs with regard to improving compensation for court-appointed counsel. Based on direction received from the

Joint Budget Committee, parallel requests are being submitted to ensure equitability in rates across the respective offices. It has become increasingly difficult for the courts to find attorneys willing to accept court appointments. .

In 2005, the Branch conducted a study to obtain a broad spectrum of information on rates paid for comparable attorney work in the government sector. A rate of \$71 per hour (based on the rate study performed in 2003 plus 2004 and 2005 inflation/COLA adjustments) was determined to be competitive when compared to the compensation packages of county attorneys and attorneys in Public Defender and District Attorney offices (data from a five metro county region). Mid-point hourly rates were used. The \$71 rate determined in 2005 factored in overhead expenses of a law firm. In addition, to determine the appropriate state-paid rate, the Branch analyzed national and regional data and studies, consulted the Colorado Bar Association, various attorneys, judges, and court administrators. To date, the compensation paid to court appointed attorneys in Colorado has yet to reach the \$71 per hour level determined to be competitive in 2005.

The current rates paid are \$60 per hour for both in and out-of-court time<sup>1</sup>. As a point of comparison, the current rate for court-appointed counsel in federal cases is \$90 per hour (since 2002), 150% of what Colorado state appointees earn.

At the time the salary study was completed, the Department also evaluated the changes that have occurred in the last ten years that place greater demands on court-appointed counsel. Some of those changes were as follows:

- ✓ Malpractice insurance, office rent, operating and technology costs, health insurance, and wages for support staff have all increased;
- ✓ Heavier caseloads, which equates to a greater demand for legal services;
- ✓ Practice of law, in general, has become more complex;
- ✓ Probate matters are often contested and litigious;
- ✓ Increased demand for trials in dependency and neglect and juvenile delinquency proceedings;
- ✓ More medical/clinical issues and variety of testing, requiring increased and expanded expertise;
- ✓ More interaction with other agencies including Department of Human Services, hospitals, and social workers.

In 2004, the Judicial Department surveyed court managers regarding the court appointed counsel system. In 2007, the Judicial Branch with the assistance of the National Center for State Courts, National Council for Juvenile and Family Court Judges, and National Association of Counsel for Children performed a needs assessment of respondent parents' counsel (RPC), the largest class of court appointed counsel compensated by the Judicial Branch. The following issues with compensation were identified in the 2004 survey and the Needs Assessment:

**Low State Rates** (#1 complaint) – It is no longer economically feasible for most attorneys to accept court appointments. The current rate, still does not cover the

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<sup>1</sup> For FY 2007, a flat rate of \$57 per hour was instituted to replace differentiated rates for in and out of court time. In FY 2008 the rate paid to court appointed counsel was increased to \$60 per hour.



overhead expenses required to maintain an office. Attorneys have many cases and demands on their time, and private paid cases (where they can earn substantially more money) inevitably come first. It is more difficult to retain court-appointed counsel outside of the immediate Denver area, largely because of the more limited “supply” of attorneys in the less populated counties. New attorneys are willing to accept cases, but after a few years when they become more experienced they move on to strictly accepting private cases, which generate substantially more revenue for the law practice. Colorado’s judges often are faced with appointing an attorney whether or not the attorney actually wants the appointment.

**Complexity and Duration of Cases** – Court appointed cases require more of the attorney’s time due to the duration of these types of cases in the legal system (e.g., dependency and neglect actions) as well as increased case complexity. The level of compensation is not regarded as proportionate to the work that is required in dependency cases, particularly in jurisdictions in which the Judicial Branch’s flat fee compensation system exists. Also, clients in these matters are frequently uncooperative and difficult to work with. When an attorney takes a court appointed case, all of these factors prevent him/her from having time to spend on more profitable cases.

**Lack of Available Attorneys, and Inexperienced and Ineffective Attorneys** – The pool of attorneys who will take these appointments continues to shrink. Because of the number of cases, the trial courts have sometimes run out of counsel on the appointment list. Often, courts must rely on inexperienced attorneys to accept court appointments at the current level of compensation. However, even these attorneys often lose interest as soon as they gain experience. Having to rely on inexperienced or potentially ineffective attorneys creates its own natural set of problems and concerns, such as: dealing with attorneys that are unprepared for court, attorneys failing to appear for scheduled hearings, and attorneys who are difficult to work with. This appears to be particularly true with regard to RPC, who were perceived by stakeholders in the Needs Assessment as being the least active and least prepared parties in proceedings. These problems open the real possibility of denying competent counsel to parents faced with distinct possibility of losing their parental rights, or the loss of freedoms and rights for elderly persons or others facing institutionalization. In addition, courts in Colorado have reported that inexperienced attorneys tend to slow case processing, causing continuances and other costly delays in cases, particularly if the attorney ultimately is forced to withdraw from the case due to performance issues.

Under the current level of compensation, the Branch has made efforts to recruit and train court-appointed counsel. Each judicial district posts and advertises for court-appointed counsel opportunities each year, and judges encourage attorneys to accept state paid cases. The Judicial Branch has also offered two training conferences for court-appointed RPC in FY 2007. However, it remains increasingly difficult to recruit and retain skilled attorneys at the current rates and under the current compensation structure.

The Judicial Branch’s request for a rate increase for court appointed counsel is one component of its broader effort to examine and improve the current administration and overall quality of court appointed counsel. In 2005, the Department convened a RPC Task Force, a group of stakeholders representing all aspects of the dependency system, to examine the current administration of RPC and to make recommendations for improving the performance of RPC. In September, 2007, the Task Force submitted its final report to the Chief Justice, which incorporated findings and recommendations identified in the Needs Assessment. Based on that report and the example of other offices overseeing court appointed counsel in Colorado, the Judicial Branch intends to explore and implement some of the following steps to improve the performance and capacities of RPC: increasing centralized selection and oversight of respondent parents’ counsel; piloting and evaluation of alternative compensation structures for RPC (e.g., fee for service; staff model office, similar to the El Paso GAL Office) in select areas of the state; further development and delivery of relevant training for RPC; and improved centralized support for RPC. These efforts, combined with a rate of compensation that allows the recruitment and retention of qualified counsel, should lead to overall system improvements in representation of parties.

**Proposed Increase**

Faced with continued concerns about the declining quality of services and major difficulties in securing interest from attorneys in accepting court appointments, the Branch proposes to increase the hourly rate paid to court appointed counsel to a level of \$68 per hour.

**Consequences if Not Funded**

The Department foresees a time when it will not be able to provide court-appointed counsel services because there are no attorneys willing to work at current rates. Currently, some districts have had to bring in attorneys from other districts because none of the local attorneys would accept the appointments. In one district, it has been noted that judges literally have to appoint whether or not the attorney wants the appointment.

**Calculations for Request**

Fiscal Year	CAC Hours	Proposed Hourly Rate Increase	Total Cost
2009*	169,813	\$8.00	\$1,358,504.00

\* Estimated number of Hours

**Assumptions for Calculations**

1. FY 2007 Court Appointed Counsel actual hours were 158,829.
2. The number of Court Appointed Counsel hours is estimated to grow at a rate of 3.4% per year.

**Impact on Other Government Agencies**

The Office of the Child’s Representative and Office of Alternate Defense Counsel are seeking a commensurate increase in the FY 2009 Budget Request.

**Statutory Authority**


Titles 12, 13, 14, 15, 19, 22, 25, 27, CRS; Colorado and United States Constitutions

**Performance Measures**

<b>MEASURE I-1:</b>					
<b>Objective – Increase positive perceptions of court experience.</b>					
<b>Performance Measure</b>	<b>Outcome</b>	<b>FY 07-08 (actual)</b>	<b>FY 08-09 (actual)</b>	<b>FY 09-10 (estimate)</b>	<b>FY 10-11 (projected)</b>
Percentage of respondents surveyed indicating positive perception of access and fairness.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A

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## Judicial Branch FY 2009 Change Request

Schedule 13							
<b>Request Title:</b>		<b>Decision Item FY 08-09</b> <input checked="" type="checkbox"/>		<b>Base Reduction Item FY 08-09</b>			
<b>Department:</b>		Judicial Branch		<b>Dept. Approval by:</b>			
<b>Priority Number:</b>		5		<b>OSPB Approval:</b>		N/A	
	Fund	1	2	5	6	7	10
		Prior-Year Actual FY 06-07	Appropriation FY 07-08	Base Request FY 08-09	Decision/Base Reduction FY 08-09	November 1 Request FY 08-09	Outyear Costs FY 09-10
<b>Total of All Line</b>	<b>Total</b>	5,062,494	6,294,290	6,294,290	2,000,000	8,294,290	2,000,000
	<b>GF</b>	487,193	487,193	487,193	-	487,193	-
	<b>CF</b>	3,663,767	3,824,884	3,824,884	2,000,000	5,824,884	2,000,000
	<b>CFE</b>	911,534	1,982,213	1,982,213	-	1,982,213	-
<b>Probation and Related Services</b> Offender Treatment & Services	<b>Total</b>	5,062,494	6,294,290	6,294,290	2,000,000	8,294,290	2,000,000
	<b>GF</b>	487,193	487,193	487,193	-	487,193	-
	<b>CF</b>	3,663,767	3,824,884	3,824,884	2,000,000	5,824,884	2,000,000
	<b>CFE</b>	911,534	1,982,213	1,982,213	-	1,982,213	-
<b>Letternote revised text:</b> Letternote C: Of this amount, an estimated \$4,849,640 shall be from the Offender Services Fund...							
<b>Cash Fund name/number, Federal Fund Grant name:</b> Offender Services Fund 101							
<b>IT Request:</b> Yes    No <input checked="" type="checkbox"/>							
<b>Request Affects Other Departments:</b> Yes    No <input checked="" type="checkbox"/>							

### Request Summary

The purpose of this request is to increase cash fund spending authority by \$2,000,000 in the Offender Services and Treatment line to reflect actual revenue from fees paid by offenders. This will allow for an increased ability to purchase treatment, rehabilitative and other support services for state adult and juvenile offenders. It is expected that this additional revenue will also allow for a focused effort to either create or restore treatment resources that are unavailable in some areas of the state.

### General Description of Request

In FY2007, the JBC supported a request to consolidate numerous treatment, evaluation and testing line items into the single "Offender Treatment and Services" line item as well as increase spending authority by \$1,500,000 from CFE in the Offender Services Cash Fund in order to increase funding for treatment and services for offenders. Less than 10 percent of the total funds in the Offender Treatment and Service line are General Fund, 90 percent or more come from the sentenced offenders.

This consolidation has reduced administrative obstacles that hampered individual probation officers from easily accessing services for offenders to help facilitate successful outcomes. However, there is still a lack of adequate services for many offenders, particularly those located in rural areas of the state. Additionally, the cost of services increases annually and there is

increased need for services such as inpatient substance abuse treatment, mental health care with medications, housing for offenders who have been ordered to vacate their current domicile, lose employment and are evicted or are homeless when released from jail. These types of services are expensive.

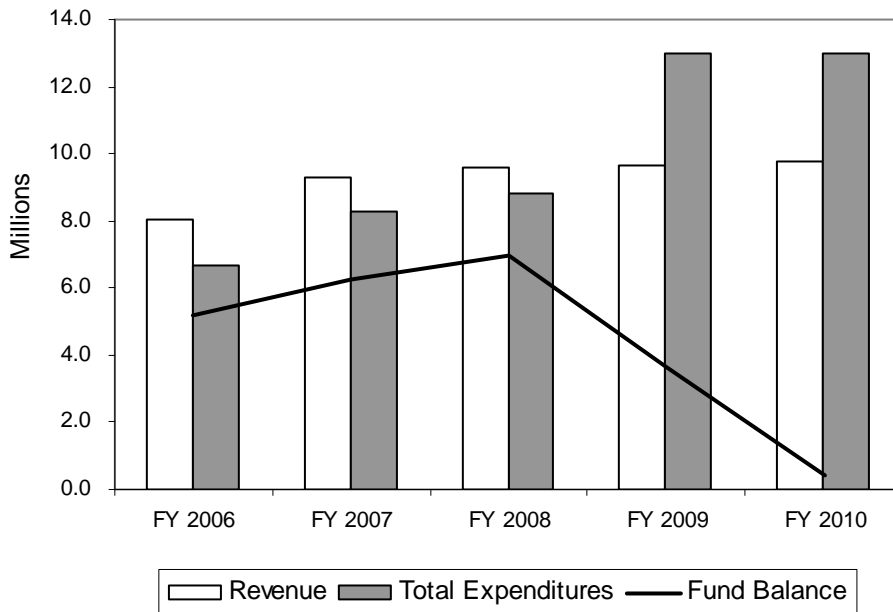
Without proper coordinated treatment interventions and support services, many of these offenders will find themselves violating the conditions of their sentence and possibly ending up in DOC or NYC. With additional cash resources our hope is to create treatment resources where there is the greatest need, to maintain offenders in the community and make reasonable efforts to avoid DOC and/or NYC incarceration.

**Consequences if Not Funded**

If this request is not funded, fees collected from offenders for treatment services will go unused for their intended purpose. Treatment and other services will remain unavailable in many rural areas. When treatment or other supportive services cannot be accessed the risk of an offender is elevated and public safety is compromised. Probation will continue to provide services as funding allows.

**Calculations for Request**

There are no personal service calculations. The requested increase in spending authority is based on the current level of revenues projected future revenues. As part of this request, the goal is to monitor the projected revenue over the course of the next two fiscal years in an effort to spend down the fund balance.



### **Assumptions for Calculations**

There are no personal service calculations. The requested increase in spending authority is based on the current level of revenues projected future revenues.

### **Impact on Other Government Agencies**

Although there is no direct impact on other Government Agencies if this decision item is not funded the cost of providing treatment and other services may be absorbed by local and other state agencies.

### **Cost/Benefit Analysis**

A research study would be required to determine the actual cost/benefit effect of providing or not providing services to Colorado offenders. The following is offered as support for the request.

In a meta-analysis, researchers found 24 previous evaluations of Intensive Supervision with and without a focus on treatment. These programs usually featured a lower caseload size. Intensive supervision programs, where the focus is on providing treatment services for the offenders, have produced significant results; we found 10 well-researched evaluations of treatment-oriented intensive supervision programs that on average produced considerable recidivism reductions. With treatment—not just intensive monitoring—the meta-analysis reflected a 21.9% recidivism reduction.

~ Aos, Steve, Mama Miller and Elizabeth Drake (2006) Evidence-Based Adult Corrections Programs: What Works and What Does Not. Olympia, WA: Washington State Institute for Public Policy.

### **Implementation Schedule**

<b>Task</b>	<b>Month/Year</b>
Governor Signs Long Bill	May, 2008
Offender Services and Treatment Committee reviews caseload and recommends district allocation	May, 2008
Chief Probation Officers review recommendations and endorse allocation plan	June, 2008

### **Statutory Authority**

16-11-214- (1) (a) C.R.S.

### **Performance Measures**

<b>MEASURE II-5:</b>					
<b>Objective – Decrease rate of revocations for new crimes committed by offenders.</b>					
<b>Performance Measure</b>	<b>Outcome</b>	<b>FY 07-08 (actual)</b>	<b>FY 08-09 (actual)</b>	<b>FY 09-10 (estimate)</b>	<b>FY 10-11 (projected)</b>
Percentage of offenders committing new crimes while under probation supervision	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A

<b>MEASURE II-6:</b>					
<b>Objective – Reduce the rate of offenders who are negatively terminated for absconding.</b>					
<b>Performance Measure</b>	<b>Outcome</b>	<b>FY 07-08 (actual)</b>	<b>FY 08-09 (actual)</b>	<b>FY 09-10 (estimate)</b>	<b>FY 10-11 (projected)</b>
Percentage of offenders negatively terminated for absconding.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A


<b>MEASURE II-7:</b>					
<b>Objective – Reduce the rate of offender revocations for technical violations that result in incarceration in prison, jail or DYC.</b>					
<b>Performance Measure</b>	<b>Outcome</b>	<b>FY 07-08 (actual)</b>	<b>FY 08-09 (actual)</b>	<b>FY 09-10 (estimate)</b>	<b>FY 10-11 (projected)</b>
Percentage of offenders with revocations that result in incarceration.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A

<b>MEASURE II-8:</b>					
<b>Objective – Improve the percentage of offenders and the length of compliance with interim performance measures. <i>(Not currently measurable)</i><sup>1</sup></b>					
<b>Performance Measure</b>	<b>Outcome</b>	<b>FY 07-08 (actual)</b>	<b>FY 08-09 (actual)</b>	<b>FY 09-10 (estimate)</b>	<b>FY 10-11 (projected)</b>
Abstinence of offenders from alcohol and other drug use while under supervision.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A
Offender compliance with treatment plans.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A
Offender acquisition of skill building competencies.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A
Offender employment or education status.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A

<sup>1</sup> Although data on these measures is not currently available within the existing Judicial Case Management System (ICON/Eclipse), specifications for gathering this information have been developed as part of the rewrite that is underway, with estimated completion by FY 2010. Once capabilities for gathering this data have been completed, the system will be able to yield detailed aggregate data that will provide valuable insight to the performance of offenders on probation throughout the state.



## FY 2009 Change Request Judicial Branch

Schedule 13							
<b>Request Title:</b>		<b>Decision Item FY 08-09 X</b>			<b>Base Reduction Item FY 08-09</b>		
<b>Department:</b>		Judicial Education			Judicial Branch		
<b>Priority Number:</b>		6			<b>Dept. Approval by:</b>  <b>OSPB Approval:</b> N/A		
	Fund	1	2	5	6	7	10
		Prior-Year Actual FY 06-07	Appropriation FY 07-08	Base Request FY 08-09	Decision/Base Reduction FY 08-09	November 1 Request FY 08-09	Outyear Costs FY 09-10
<b>Total of All Line Items</b>	<b>Total</b>	111,236,192	105,393,628	121,303,145	176,783	121,471,286	168,141
	<b>FTE</b>	1,608.5	1,715.0	1,835.0	2.0	1,837.0	2.0
	<b>GF</b>	98,053,984	92,144,332	100,255,375	-	100,255,375	-
	<b>CF</b>	13,182,208	13,249,296	21,047,770	176,783	21,215,911	168,141
	<b>FF</b>	1,198,100	-	-	-	-	-
<b>Trial Courts</b>	<b>Total</b>	104,889,064	98,558,722	110,358,872	153,097	110,511,969	153,097
Personal Services	<b>FTE</b>	1,608.5	1,715.0	1,835.0	2.0	1,837.0	2.0
	<b>GF</b>	97,830,033	91,735,045	96,330,562	\$0	96,330,562	\$0
	<b>CF</b>	5,860,931	6,823,677	14,028,310	\$153,097	14,181,407	153,097
	<b>FF</b>	1,198,100	-	-	-	-	-
Operating	<b>Total</b>	7,545,228	6,693,883	6,884,633	11,820	6,896,453	11,820
	<b>GF</b>	223,951	268,264	268,264	-	268,264	-
	<b>CF</b>	7,321,277	6,425,619	6,616,369	\$11,820	6,628,189	11,820
Capital Outlay	<b>Total</b>	1,029,387	868,700	541,421	8,642	550,063	-
	<b>GF</b>	-	141,023	-	-	-	-
	<b>CF</b>	1,029,387	727,677	541,421	\$8,642	550,063	-
<b>Special Purpose</b>	<b>Total</b>	-	-	3,093,059	2,195	3,095,254	2,195
Amortization Equal. Disb.	<b>GF</b>	-	-	2,785,942	-	2,785,942	-
	<b>CF</b>	-	-	307,117	\$2,195	309,312	2,195
<b>Special Purpose</b>	<b>Total</b>	-	-	966,581	1,029	967,610	1,029
Supplemental Amortiz. Equalization Disb.	<b>GF</b>	-	-	870,607	-	870,607	-
	<b>CF</b>	-	-	95,974	\$1,029	97,003	1,029
<b>Letternote revised text:</b> Letternote A: Of this amount, an estimated \$18,758,510 shall be from the Judicial Stabilization Cash Fund <b>Cash Fund name/number, Federal Fund Grant name:</b> Judicial Stabilization Cash Fund <b>IT Request:</b> Yes No X <b>Request Affects Other Departments:</b> Yes No X							

### Request Summary

Increasing the Branch's judicial training capacity by two education specialists FTE will provide the staffing needed to continue delivery of our current programming to judges and magistrates across the state, and further, will allow for the development of other offerings across a spectrum of delivery methods and targeted participants. The cost of this request is approximately \$177,000.

## **General Description of Request**

### **Background**

When a new judge walks into the courtroom for the first time, all eyes are on the judge. Despite the experience attorneys bring to the bench, becoming an effective judge is a matter of getting the lay of the land and navigating the fine line between law, justice and management of people.

For sitting judges, new challenges occur when a judge rotates into another division within their court; they again are entering new judicial terrain. The judges entering a new division within their court require a broad-based type of judicial education where they can take anticipatory courses so that they can hit the ground running when they enter the new division. Compounding the challenges for sitting judges are the emerging areas of law and legislative changes that judges must adapt to on an annual basis.

Fortunately for judges in Colorado, the Judicial Branch strives to provide training and assistance as the new and sitting judges learn and adapt to their new roles. However, the resources currently dedicated to judicial training are inadequate to provide the type of training that judicial officers need at the right time. Within existing resources, three training sessions for judicial officers are held each year, New Judge Orientation, Advanced New Judge Orientation and the Judicial Conference (for ongoing training). If a judge is unable to attend the new judge sessions, due to calendaring conflicts or the time of year they are appointed, the judge must manage to perform the duties required of them without the benefit of any formal training.

Continuing judicial education is essential to developing and maintaining each judge's skill set, with reference material and training on issues that occur infrequently and timely information on emerging trends and practices. The Branch has identified the following subject areas where expanded judicial education is needed and or desired:

#### **New Judge Programs:**

1. Orientation to Branch
2. Transition to Bench
  - a) Trial & courtroom management
  - b) Caseflow Management
  - c) Procedures
  - d) Overview substantive issues
  - e) Effectively using Court Technology
3. Benchbook, benchcards, forms, reference materials

### Specialty Court Issues:

1. Domestic Relations / Family and Juvenile Matters
2. Domestic Violence
3. Probate
4. Drug & Other Problem-solving Courts
5. Business and Complex Litigation
6. Elder Law

### Continuing Judicial Education & Development:

1. Creation of a Judicial College
  - a) Legal – substantive focus for judges in mid-career or at some period in the judicial performance cycle
2. Judicial Wellness and Personal Growth
  - a) Court System Improvement
  - b) Substance abuse programs
  - c) Vicarious trauma
  - d) Burnout / Stress management
3. Judicial Integrity
  - a) Law & Literature (making meaning of the work judges do)
  - b) Cultural Competencies
  - c) Judicial Ethics
  - d) Fairness
  - e) Courts and Community

### Programs to Promote Generativity:

1. Faculty Development
2. Sabbatical / Judge in residence
3. Judge in Residence

### Addressing Performance Issues:

1. Technical assistance
2. Program Development
3. Individual education plan/followup
4. Regional or group plans
  - (Must keep in mind limited number of complaints which are limited in nature.)
  - i. Advanced trial management
    - a) Experiential – mock court
    - b) Feedback driven
    - c) Cultural competencies
  - ii. Substantive Legal Procedures, Programmatic
    - a) E-filing
    - b) Electronic Assisted Trials
    - c) Evidence

### Conference Planning/Support:

1. Judicial Conference
2. Family Issues
3. Future Conference Support Addressing Criminal Justice Issues  
ie. State Drug Court Professionals State Conference

In HB-1054, passed in 2007, 43 additional judges in appellate and trial courts across the state were authorized by FY 2010. Additionally over the past 3 years, there have been 82 judicial vacancies that have been filled statewide.<sup>1</sup> Given this addition of resources and the number of retirements occurring within the state's current judgeships, the need for targeted training for judicial officers is essential.

### **Opportunity**

With advances in technology and the advent of distance learning platforms, the Branch now has the tools to deliver programs which are ideal for "just in time" learning demands. The additional judicial education specialists will provide the Branch with the resources necessary to develop programs designed to meet the needs of judges handling a specific case type, such as an on-line tutorial on death penalty cases or computer based education on cases involving sex offenders. Judges handling such a case would be able to access information in an on-line format and drill through the materials to get answers or information specific to their case.

Further, the additional judicial educators would also allow for the continual development of programs and new curricula. Under the current resource levels, there is no time available for the continuous and timely development of other programs. The annual Judicial Conference, for example, virtually requires the full commitment of judicial education staff for three months. With additional educators on staff and flexibility in program assignments, the Judicial Education Team will have the resources to continually plan, deliver and evaluate programs.

Ultimately, judicial educators must strive to create dynamic programs that stray far from the usual "talking head" program, where someone stands at the podium delivering a lecture. In funding this request the Colorado judicial branch will be in a position to strive to capture the judge's eyes, ears, and emotions with programs that teach both the nuts and bolts, as well the human components of judging.

The requested positions are to be fully cash funded, no general fund appropriation is necessary. By redirecting approximately \$25 million to the Judicial Stabilization cash fund over the next three years, HB-07-1054 provided the funding mechanism for the branch's trial court staff needs while reducing pressure on the general fund (given the 6% growth restriction).

### **Consequences if Not Funded**

The first year for the new judge is the prime time to set the new judge on the proper path of judging. It is a prime time because new judges are not set in their ways, are amenable to new ideas, are able to learn new tricks, and are not constrained by the old adage, "it is the way we always do it."

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<sup>1</sup> 25 vacancies occurred in 2005, 32 in 2006, and through October 1 there have been 45 vacancies in 2007.

If a judge is unable to attend the new judge sessions, due to calendaring conflicts or the time of year they are appointed, the judge must manage to perform the duties required of them without the benefit of any formal training. When this occurs, critical opportunities can be lost. If, for example, a judge begins handling cases without any formal training in caseload management, the judge may develop a set of practices that are inefficient. Ultimately, these practices will need to be undone, yet at that point, expectations of practitioners have already been developed making implementation of changes in procedure more difficult.

**Calculations for Request**

<b>PERSONAL SERVICES CALCULATIONS</b>				
<b>GRAND TOTAL</b>				
		<b>FY 08-09</b>	<b>FY 08-09</b>	<b>FY 09-10</b>
<b>PERSONAL SERVICES</b>		<b>Education Specialist</b>		
Number of PERSONS / class title		<b>2.00</b>	<b>2.00</b>	<b>2.00</b>
Monthly base salary	\$	<b>5,716</b>		
Number months working in FY 08-09		<b>12</b>		
Salary		\$137,184	\$137,184	\$137,184
PERA	<b>10.15%</b>	\$13,924	\$13,924	\$13,924
AED	<b>1.60%</b>	\$2,195	\$2,195	\$2,195
SAED	<b>0.75%</b>	\$1,029	\$1,029	\$1,029
Medicare	<b>1.45%</b>	\$1,989	\$1,989	\$1,989
Health/Life/Dental (non-add)	<b>6,684</b>	\$13,369	\$13,369	\$13,369
Short-Term Disability (non-add)	<b>0.13%</b>	\$178	\$178	\$178
<b>Subtotal Personal Services</b>		<b>\$169,868</b>	<b>\$156,321</b>	<b>\$156,321</b>
<b>OPERATING</b>				
Supplies @ \$500/FTE	\$ <b>500</b>	\$1,000	\$1,000	\$1,000
Travel @ \$1000/FTE	\$ <b>1,000</b>	\$2,000	\$2,000	\$2,000
Telephone Base @ \$450/FTE	\$ <b>450</b>	\$900	\$900	\$900
Leased Space of 180 SF/FTE @ \$22 SF	\$ <b>3,960</b>	\$7,920	\$7,920	\$7,920
<b>Subtotal Operating</b>		<b>\$3,900</b>	<b>\$11,820</b>	<b>\$11,820</b>
<b>CAPITAL OUTLAY</b>				
Computer @ \$959/FTE	\$ <b>959</b>	\$0	\$0	
Laptop @ \$1,500/FTE	\$ <b>1,500</b>	\$3,000	\$3,000	
Office Suite Software @ \$300/FTE	\$ <b>300</b>	\$600	\$600	
Office Equipment @ \$2,021 /FTE	\$ <b>2,021</b>	\$4,042	\$4,042	
Printer @ \$500/FTE	\$ <b>500</b>	\$1,000	\$1,000	
<b>Subtotal Capital Outlay</b>		<b>\$8,642</b>	<b>\$8,642</b>	<b>\$0</b>
<b>GRAND TOTAL ALL COSTS</b>		<b>\$182,410</b>	<b>\$176,783</b>	<b>\$168,141</b>

**Assumptions for Calculations**

***Personal Services***

All personal services calculations were based on FY08-09 Common Policies

**Impact on Other Government Agencies**

No impact on other state agencies is anticipated.

**Statutory Authority**


C.R.S. Sections 13-3-102; 13-6-203.

**Performance Measures**

<b>MEASURE I-1:</b>					
<b>Objective – Increase positive perceptions of court experience.</b>					
<b>Performance Measure</b>	<b>Outcome</b>	<b>FY 07-08 (actual)</b>	<b>FY 08-09 (actual)</b>	<b>FY 09-10 (estimate)</b>	<b>FY 10-11 (projected)</b>
Percentage of respondents surveyed indicating positive perception of access and fairness.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A

<b>MEASURE II-2(a):</b>					
<b>Objective – Trial Court case dispositions should occur within established time standards.</b>					
<b>Performance Measure</b>	<b>Outcome</b>	<b>FY 07-08 (actual)</b>	<b>FY 08-09 (actual)</b>	<b>FY 09-10 (estimate)</b>	<b>FY 10-11 (projected)</b>
Percentage of district court civil dispositions meeting established time standards.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A
Percentage of county court civil dispositions meeting established time standards.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A
Percentage of felony dispositions meeting established time standards.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A
Percentage of misdemeanor dispositions meeting established time standards.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A
Percentage of juvenile dispositions meeting established time standards.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A
Percentage of domestic relations dispositions meeting established time standards.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A
Percentage of traffic dispositions meeting established time standards.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A

## FY 2009 Change Request Judicial Branch

Schedule 13							
<b>Request Title:</b>	Decision Item FY 08-09 <input checked="" type="checkbox"/>				Base Reduction Item FY 08-09		
<b>Department:</b>	Judicial Branch				<b>Dept. Approval by:</b>		
<b>Priority Number:</b>	7				<b>OSPB Approval:</b>	N/A	
		1	2	5	6	7	10
	Fund	Prior-Year Actual FY 06-07	Appropriation FY 07-08	Base Request FY 08-09	Decision/ Base Reduction FY 08-09	November 1 Request FY 08-09	Outyear Costs FY 09-10
<b>Total of All Line Items</b>	<b>Total</b>	475,008	500,000	500,000	250,000	750,000	250,000
	<b>GF</b>	475,008	500,000	500,000	250,000	750,000	250,000
<b>Courts Administration (A) Administration</b>							
Family Violence Grants	<b>Total</b>	475,008	500,000	500,000	250,000	750,000	250,000
	<b>GF</b>	475,008	500,000	500,000	250,000	750,000	250,000
<b>Letternote revised text:</b> N/A							
<b>Cash Fund name/number, Federal Fund Grant name:</b> N/A							
<b>IT Request:</b> Yes    No <input checked="" type="checkbox"/>							
<b>Request Affects Other Departments:</b> Yes    No <input checked="" type="checkbox"/>							

### Request Summary

This request is to increase funding for the Family Violence Grants Long Bill line by \$250,000 in order to better meet the needs of Colorado's indigent victims of domestic violence.

### Background and Appropriation History

Recognizing that barriers to equal access to justice significantly impair public trust and confidence in the courts, in 1999 the legislature created The Family Violence Justice Fund grant program. Because of the broad reaching affects and often complex legal and social issues that accompany domestic violence, the legislature identified these litigants as a priority for civil legal services assistance. The Colorado Bar Association's Access to Justice Commission is issuing a call for Colorado to join with charitable organizations in making Colorado courts available to indigent victims of domestic violence. The Family Violence Justice Fund remains the *only* state funded grant program for civil legal services for the indigent. Non-profit agencies apply for the grant funds from the State Court Administrator's Office yearly and allocations are based upon the number of qualifying clients the agency has served in the previous year in each county in the state. A percentage of the total grant is available for each county based upon the percentage of indigent persons living in the county per the most recent census. In counties in which two or more agencies have served eligible clients, that county's funds are distributed between the agencies according to the percentage of clients served in that county. These funds are meant to supplement the agencies' budgets and one third of their budget must come from other sources.

Many victims of domestic violence need immediate assistance with temporary or permanent protection orders and these needs are currently served through a variety of sources. However, because of the precarious status of many domestic violence victims, there remains a large unmet legal need that stems from domestic violence. These issues tend to be more complex than filing for protection orders and may include landlord/tenant, child and spousal support, paternity, and divorce issues. The legal and emotional circumstances surrounding any divorce can be confusing and complex, but adding the complicating factors associated with domestic violence as well as poverty are doubtlessly overwhelming. Agencies that receive funds from the Family Violence Justice Fund provide services ranging from assistance with filling out legal forms and clinics on divorce and child support issues, to full service representation by an attorney in court. This full range of services is invaluable in assisting victims of domestic violence in securing a safe, stable environment for themselves and their families.

### **General Description of Request**

The demand for affordable legal services far outstrips the supply. According to Colorado Legal Services, for every client this organization is able to serve, they are forced to turn one eligible client away. Any increase in the amount allocated for the Family Violence Justice Fund will help to offset the number of victims of domestic violence who are forced to negotiate the legal system without the privilege of legal representation or worse, forego the rights and remedies that should be available to them in the justice system.

Every year, approximately \$9.5 million is raised in Colorado to offset the costs of providing civil legal services free of charge to the state's indigent population. The state's contribution to this number is approximately 5 percent. Colorado organizations that provide free legal services pursue funding from the federal government, state and local governments, private lawyers and foundations. The level of federal funding within Colorado matches the national average level while private lawyers and foundations provide more than the national average. Both State and local government funding levels in Colorado are significantly lower than the national average. The current national average of state funding for all indigent civil legal services is at a minimal support level of \$2.72 per person. Colorado falls well below this already low average with only \$1.29 in civil legal services funding per indigent person.

The \$500,000 annual appropriation to the Family Violence Grants line is limited to serving Colorado's indigent population who are victims of domestic and family violence. The annual appropriation has remained the same for the past six years, except in FY2005 when all funding was cut due to Colorado's state budget shortfall. In FY2006, qualifying agencies reported serving over 7,000 indigent victims of domestic violence, which gives each victim an average of \$70 in funding from this grant to cover their legal needs. At current Court Appointed Counsel rates, this level of funding will pay for little more than one hour of legal representation per victim. Given the amount of issues that may stem from domestic violence situations, one hour of legal representation is not adequate to meet the needs of the state's indigent victims.

In order to bring funding levels for indigent civil legal services up to the national average, Colorado would have to more than double its current appropriation of \$500,000. The Judicial Branch recognizes that the State faces budgetary constraints and is thus limiting its request to an



increase of \$250,000. While Colorado will still fall below the already low national average, the increase will improve the ability of successful applicants to assist victims of domestic violence.

**Consequences if Not Funded**

Without this requested increase, legal service agencies will be forced to continue to send eligible clients away due to lack of funding. Indigent victims of domestic violence and their children, no doubt some of the most vulnerable citizens of our state, will be left without access to basic legal remedies that should be available to them under our justice system. These barriers not only erode public trust, but also add significant challenges to the courts, as Judicial Branch employees attempt to provide appropriate guidance in what can be a complicated system.

With this increase, it is estimated that the State’s level of funding for civil legal services will remain at a minimal level on a per person basis (increasing from \$1.29 per indigent person to \$1.93 per indigent person). The not for profit agencies that receive this grant money continue to work on behalf of Colorado’s victims of domestic violence and any additional supplemental support from the state will only work to enhance these much needed services. While this requested increase will not come close to meeting the full need that exists, it will help Colorado take another step forward in meeting the legal needs of indigent victims.

**Calculations for Request**

Population living below poverty level (FY2000 census)	Current funding for indigent legal services	Average funding per poor person	Proposed Funding for indigent legal services	Funding per poor person after increase
388,852	500,000	1.29	750,000	1.93

**Assumptions for Calculations**

- Population and poverty levels are from the FY2000 Census
- Victims served by County are from the non-profit applications received at SCAO
- National Average of funding for indigent legal services from Colorado Legal Services and nationwide surveys.

**Impact on Other Government Agencies**

There is no impact on other government agencies as a result of this request.

**Cost/Benefit Analysis**

N/A

**Implementation Schedule**

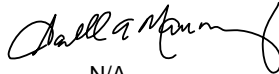
N/A

**Statutory Authority**  
 14-4-107 C.R.S.

**Performance Measures**

<b>MEASURE I-1:</b>					
<b>Objective – Increase positive perceptions of court experience.</b>					
<b>Performance Measure</b>	<b>Outcome</b>	<b>FY 07-08 (actual)</b>	<b>FY 08-09 (actual)</b>	<b>FY 09-10 (estimate)</b>	<b>FY 10-11 (projected)</b>
Percentage of respondents surveyed indicating positive perception of access and fairness.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A

## FY 2009 Change Request Judicial Branch

Schedule 13							
<b>Request Title:</b>		<b>Decision Item FY 08-09</b> X		<b>Base Reduction Item FY 08-09</b>			
<b>Department:</b>		Probate Audit Response		<b>Dept. Approval by:</b>  <b>OSP Approval:</b> N/A			
<b>Priority Number:</b>		8					
	Fund	1 Prior-Year Actual FY 06-07	2 Appropriation FY 07-08	5 Base Request FY 08-09	6 Decision/ Base Reduction FY 08-09	7 November 1 Request FY 08-09	10 Outyear Costs FY 09-10
<b>Total of All Line Items</b>	<b>Total</b>	111,236,192	105,393,628	121,303,145	188,717	121,491,862	201,780
	<b>FTE</b>	1,608.5	1,715.0	1,835.0	3.0	1,838.0	3.0
	<b>GF</b>	98,053,984	92,144,332	100,255,375	188,717	100,444,092	201,780
	<b>CF</b>	13,182,208	13,249,296	21,047,770	-	21,047,770	-
	<b>FF</b>	1,198,100	-	-	-	-	-
<b>Trial Courts</b>							
Personal Services	<b>Total</b>	104,889,064	98,558,722	110,358,872	162,522	110,521,394	188,010
	<b>FTE</b>	1,608.5	1,715.0	1,835.0	3.0	1,838.0	3.0
	<b>GF</b>	97,830,033	91,735,045	96,330,562	\$162,522	96,493,084	\$188,010
	<b>CF</b>	5,860,931	6,823,677	14,028,310	-	14,028,310	-
	<b>FF</b>	1,198,100	-	-	-	-	-
Operating	<b>Total</b>	7,545,228	6,693,883	6,884,633	9,810	6,894,443	9,810
	<b>GF</b>	223,951	268,264	268,264	\$9,810	278,074	\$9,810
	<b>CF</b>	7,321,277	6,425,619	6,616,369	-	6,616,369	-
Capital Outlay	<b>Total</b>	1,029,387	868,700	541,421	12,963	554,384	-
	<b>GF</b>	-	141,023	-	\$12,963	12,963	-
	<b>CF</b>	1,029,387	727,677	541,421	-	541,421	-
<b>Special Purpose</b>							
Amortization Equal. Disb.	<b>Total</b>	-	-	3,093,059	2,330	3,095,389	2,696
	<b>GF</b>	-	-	2,785,942	\$2,330	2,788,272	\$2,696
	<b>CF</b>	-	-	307,117	-	307,117	-
<b>Special Purpose</b>							
Supplemental Amortiz. Equalization Disb.	<b>Total</b>	-	-	966,581	1,092	967,673	1,264
	<b>GF</b>	-	-	870,607	\$1,092	871,699	\$1,264
	<b>CF</b>	-	-	95,974	-	95,974	-
<b>Letternote revised text:</b>		N/A					
<b>Cash Fund name/number, Federal Fund Grant name:</b>							
<b>IT Request:</b>		Yes		No X			
<b>Request Affects Other Departments:</b>		Yes		No X			

### Request Summary

The Branch is requesting 3.0 FTE, at a cost of approximately \$189,000, in order to continue the implementation of the recommendations of the Protective Proceedings Task Force, a group appointed by the Chief Justice to craft solutions addressing the concerns raised by an audit of probate case processing in 2006.

### General Description of Request

The 2006 Legislative Audit Committee requested that an audit of probate cases be conducted by the State Auditor pursuant to C.R.S. § 2-3-103. The audit report focused on protective proceedings, which are a sub-class of Colorado's probate caseload. Protective proceedings cases are defined as those cases where a petition is filed for the appointment of a conservator or guardian. Conservators are appointed to oversee the financial affairs of a protected person while

guardians are appointed to oversee the health and safety of an incapacitated person. Conservators or guardians are appointed by the Court, after a full due process hearing if the issue is contested, to make various on-going decisions in many cases over periods of years on behalf of a “ward”.

The audit identified several deficiencies in the Judicial Branch’s approach to the handling of protective proceedings cases, but did not find any deficiencies in regards to the remainder of the State’s probate cases, including trusts, estates, etc. The relevant issues identified, quoted from the audit report, are as follows:

- (1) “...some of the courts do not have sufficient controls to monitor the activities of conservators and guardians”;
- (2) the Judicial Branch “does not have any policies or directives establishing the standard monitoring practices courts must apply”;
- (3) that the “State Court Administrator’s Office does not currently review court practices to determine whether the courts are monitoring guardians and conservators effectively or to provide technical assistance”; and,
- (4) that the State Court Administrator needs to “take steps to standardize reporting and review procedures for conservator and guardian cases.”

In response to the audit, the Chief Justice appointed a diverse task force of judges, attorneys, other government officials, non-profit groups, and citizens to consider the issues in the audit and begin to craft solutions to the issues identified in the audit. The result of the efforts of the task force has been that the Judicial Branch has fully responded, without any requests for additional resources in this area, to several of the key recommendations contained in the audit, including: (1) development of twenty new JDF forms to further standardize the process for clerks and litigants and make statewide practice more uniform; (2) completion of a new set of detailed case-handling procedures for clerk’s office staff that will be incorporated into the new clerk’s manual and become standard practice branch-wide; (3) consideration of various probate rule changes to better simplify and streamline the processing and handling of these cases; and, (4) development of new manuals for use by appointees to assist them in performing their duties and complying with Court filing requirements. A full report from that task force is forthcoming.

State Court Administrative Office Staff, based on the recommendations of the task force, reached the following independent conclusions regarding what will be necessary to further implement the recommendations of the task force:

- (1) that once problem cases are identified, there is in many cases no where for a court to send a case for further review and auditing after district level staff have identified the case as a problem case, and thus there is a need to fill that gap by having a person, at the state office level, with the relevant expertise available to assist the trial courts when an audit is needed but no funds are available in the estate;
- (2) that most districts do not have a case load that would allow for a full-time person to be ready to audit all of the problem cases, and thus that function would be best be performed at the statewide level on a pilot basis in order to begin to ascertain need and the distribution of need across districts;

- (3) that there was a need identified in the audit to have state-wide programmatic support to perform, in this area of the law, what are the classic functions of the State Court Administrator's Office<sup>1</sup>;
- (4) that the Judicial Branch needs to further study the cost of implementing the numerous recommendations that came from the task force and that the best way to accomplish this was to fund several district-level staff pilot projects to determine the staffing levels and type of staff necessary to close the monitoring gap and otherwise respond to the audit findings and task force recommendations; and,
- (5) that the Judicial Branch needs to be institutionally prepared for what are likely to be an influx in these types of cases which numbers correlate with the aging growth of the population.

As such, the Branch is requesting an increase of 3.0 FTE. 1.0 FTE will go the State Court Administrator's Office. That person will perform the classic functions of SCAO in relation to this area of law, facilitate and evaluate the district-level staffing pilot projects with a two-year time frame, further implement the recommendations of the task force, develop a statewide system of compliance monitoring to assist the districts, and provide on a pilot basis conservator and guardian audit support services. 2.0 FTE is requested for additional staff at the district level to operate a 1-2 year pilot project. It is expected that these persons will be classified as court facilitators, and the study will determine the scope and nature of their duties and study the staffing levels necessary to achieve the recommendations of the task force statewide. Districts will be selected by SCAO as pilot sites after a competitive process of submitting written proposals that will be evaluated using the guidelines developed by the Further Studies Group of the task force.

### **Consequences if Not Funded**

Failure to fund this request will hamper the Branch's ability to completely and in a timely fashion implement the various recommendations of the Task Force in response to the deficiencies identified in the audit.

In particular, failure to fund this decision item in FY 2009 will have the following results. First, the audit called for the SCAO to have personnel in place to perform what the audit identified as the typical functions of SCAO in the area of protective proceedings cases. Unfortunately, under current resource allocations, it is impossible for SCAO staff to entirely complete the tasks the audit recommended in terms of the responsibilities of the state office. The result will be further delays in closing the so-called monitoring gap, the result of which is that the wards will continue to be more vulnerable to various abuses. Second, failure to fund the pilot project will hamper the Branch's ability to study the response necessary to close the monitoring gap at the district level. It is still unknown the levels and type of staffing necessary to respond to the various challenges in the audit and recommendations of the task force. Without undertaking the pilot, it will be difficult if not impossible to implement the kind of district-level processes and staffing models necessary to fully respond to the recommendations of the Task Force.

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<sup>1</sup> Such classic functions would include: providing administrative and technical support to the trial courts handling protective proceedings cases, providing centralized policy guidance, developing and implementing standards, and serving as an advocate and central point of contact for all protective proceedings related issues.

**Calculations for Request**

<b>PERSONAL SERVICES CALCULATIONS</b>					
<i>GRAND TOTAL</i>					
		<b>FY 08-09</b>	<b>FY 08-09</b>	<b>FY 08-09</b>	<b>FY 09-10</b>
<b>PERSONAL SERVICES</b>		<b>Management Analyst II</b>	<b>Court Facilitator</b>		
Number of PERSONS / class title		<b>1.00</b>	<b>2.00</b>	<b>3.00</b>	<b>3.00</b>
Monthly base salary	\$	<b>5,239</b>	<b>4,400</b>		
Number months working in FY 08-09		<b>11</b>	<b>10</b>		
Salary		\$57,629	\$88,000	\$145,629	\$168,468
PERA	<b>10.15%</b>	\$5,849	\$8,932	\$14,781	\$17,099
AED	<b>1.60%</b>	\$922	\$1,408	\$2,330	\$2,696
SAED	<b>0.75%</b>	\$432	\$660	\$1,092	\$1,264
Medicare	<b>1.45%</b>	\$836	\$1,276	\$2,112	\$2,443
Health/Life/Dental (non-add)	<b>6.684</b>	\$6,684	\$13,369	\$20,053	\$20,053
Short-Term Disability (non-add)	<b>0.13%</b>	\$75	\$114	\$189	\$219
<b>Subtotal Personal Services</b>		<b>\$72,427</b>	<b>\$113,759</b>	<b>\$165,944</b>	<b>\$191,970</b>
<b>OPERATING</b>					
Supplies @ \$500/FTE	\$ <b>500</b>	\$500	\$1,000	\$1,500	\$1,500
Travel @ \$1000/FTE	\$ <b>1,000</b>	\$1,000	\$2,000	\$3,000	\$3,000
Telephone Base @ \$450/FTE	\$ <b>450</b>	\$450	\$900	\$1,350	\$1,350
Leased Space of 180 SF/FTE @ \$22 SF	\$ <b>3,960</b>	\$3,960		\$3,960	\$3,960
<b>Subtotal Operating</b>		<b>\$1,950</b>	<b>\$3,900</b>	<b>\$9,810</b>	<b>\$9,810</b>
<b>CAPITAL OUTLAY</b>					
Computer @ \$959/FTE	\$ <b>959</b>	\$0	\$0	\$0	
Laptop @ \$1,500/FTE	\$ <b>1,500</b>	\$1,500	\$3,000	\$4,500	
Office Suite Software @ \$300/FTE	\$ <b>300</b>	\$300	\$600	\$900	
Office Equipment @ \$2,021 /FTE	\$ <b>2,021</b>	\$2,021	\$4,042	\$6,063	
Printer @ \$500/FTE	\$ <b>500</b>	\$500	\$1,000	\$1,500	
<b>Subtotal Capital Outlay</b>		<b>\$4,321</b>	<b>\$8,642</b>	<b>\$12,963</b>	<b>\$0</b>
<b>GRAND TOTAL ALL COSTS</b>		<b>\$78,698</b>	<b>\$126,301</b>	<b>\$188,717</b>	<b>\$201,780</b>

**Assumptions for Calculations**

***Personal Services***

All personal services calculations were based on FY08-09 Common Policies

**Impact on Other Government Agencies**

No impact on other state agencies is anticipated.

### **Cost/Benefit Analysis**

The benefit of undertaking the analysis cannot be numerically quantified. The benefit of fully and completely implementing the recommendations made in response to the audit is that wards who are under the full protection of the state as contemplated by the audit will be better protected and less vulnerable to abuse, financial losses, and neglect.

### **Implementation Schedule**

<b>Task</b>	<b>Month/Year</b>
State Office 1.0 FTE Hired	7/09
Pilot Project Begins (2.0 FTE to Districts)	8/09

### **Statutory Authority**

Sections 13-5-101, et seq., C.R.S.


### **Performance Measures**

<b>MEASURE I-1:</b>					
<b>Objective – Increase positive perceptions of court experience.</b>					
<b>Performance Measure</b>	<b>Outcome</b>	<b>FY 07-08 (actual)</b>	<b>FY 08-09 (actual)</b>	<b>FY 09-10 (estimate)</b>	<b>FY 10-11 (projected)</b>
Percentage of respondents surveyed indicating positive perception of access and fairness.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A

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## Judicial Branch FY 2009 Change Request


Schedule 13							
<b>Request Title:</b>	Decision Item FY 08-09 <input checked="" type="checkbox"/>				<b>Base Reduction Item FY 08-09</b>		
<b>Department:</b>	Judicial Branch				<b>Dept. Approval by:</b>		
<b>Priority Number:</b>	9				<b>OSPB Approval:</b>	N/A	
		1	2	5	6	7	10
	Fund	Prior-Year Actual FY 06-07	Appropriation FY 07-08	Base Request FY 08-09	Decision/ Base Reduction FY 08-09	November 1 Request FY 08-09	Outyear Costs FY 09-10
<b>Total of All Line Items</b>	<b>Total GF</b>	270,689 270,689	305,053 305,053	305,053 305,053	39,881 39,881	344,934 344,934	39,881 39,881
<b>Courts Administration (C) Integrated Information Services Payments</b>	<b>Total GF</b>	270,689 270,689	305,053 305,053	305,053 305,053	39,881 39,881	344,934 344,934	39,881 39,881
<b>Letternote revised text:</b> N/A							
<b>Cash Fund name/number, Federal Fund Grant name:</b> N/A							
<b>IT Request:</b> Yes No <input checked="" type="checkbox"/>							
<b>Request Affects Other Departments:</b> Yes No <input checked="" type="checkbox"/>							

This is a statewide request submitted through the Office of State Planning and Budgeting.

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# Judicial Branch

## FY 2009 Change Request

Schedule 13							
<b>Request Title:</b>		<b>Decision Item FY 08-09</b> <input checked="" type="checkbox"/>			<b>Base Reduction Item FY 08-09</b>		
<b>Department:</b>		Statewide C-SEAP Program Staffing			<b>Dept. Approval by:</b> 		
<b>Priority Number:</b>		10			<b>OSPB Approval:</b> N/A		
		1	2	5	6	7	10
	Fund	Prior-Year Actual FY 06-07	Appropriation FY 07-08	Base Request FY 08-09	Decision/ Base Reduction FY 08-09	November 1 Request FY 08-09	Outyear Costs FY 09-10
<b>Total of All Line Items</b>	<b>Total GF</b>	1,348,485 1,348,485	1,765,889 1,765,889	2,104,986 2,104,986	22,279 22,279	2,127,265 2,127,265	22,279 22,279
<b>Courts Administration (B)Administrative Special Purpose</b>							
Workers' Compensation	<b>Total GF</b>	1,348,485 1,348,485	1,765,889 1,765,889	2,104,986 2,104,986	22,279 22,279	2,127,265 2,127,265	22,279 22,279
<b>Letternote revised text:</b> N/A <b>Cash Fund name/number, Federal Fund Grant name:</b> N/A <b>IT Request:</b> Yes    No <input checked="" type="checkbox"/> <b>Request Affects Other Departments:</b> Yes    No <input checked="" type="checkbox"/>							

This is a statewide request submitted through the Office of State Planning and Budgeting.

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