

**JUDICIAL COUNCIL  
FY 2023 BUDGET PLANNING MEETING**

**AGENDA  
Friday, August 20, 2021  
Meeting will be held through Webex**

*Chief Justice Matthew B. Durrant, Presiding*

- 8:00 a.m. Welcome ..... Chief Justice Matthew B. Durrant
- 8:05 a.m. Overview ..... Ron Gordon  
*State Court Administrator*
- 8:10 a.m. Utah Economic Outlook ..... Nate Talley  
*GOPB Deputy Dir. and Chief Economist*
- 8:30 a.m. Legislature’s Approach to FY 2023 Budget ..... Jonathan Ball  
*Legislative Fiscal Analyst*
- 8:50 a.m. Case Filings/Weighted Caseloads FY 2021 ..... Paul Barron  
*AOC Application Services Manager*  
Shane Bahr  
*District Court Administrator*  
Neira Siaperas  
*Juvenile Court Administrator*
- 9:20 a.m. Break
- 9:30 a.m. Budget and Fiscal Management Prioritization Process (Tab 1) .... Judge Mark May

**FY 2023 Budget Requests Presentations (in BFMC-Recommended Priority Order)**

1. Judicial Assistants Recruit and Retain (Tab 2) ..... Bart Olsen  
*Human Resources Director*
2. IT Infrastructure and Development (Tab 3) ..... Heidi Anderson  
*Chief Information Officer*
3. Public Outreach Coordinator (Tab 4) ..... Jonathan Puente  
*Director, Office of Fairness and Accountability*
4. Statewide Treatment Court Coordinator (Tab 5) ..... Shane Bahr  
*District Court Administrator*  
Neira Siaperas  
*Juvenile Court Administrator*

5. Court Visitor Program Coordinator (Tab 6) ..... Judge Keith Kelly  
Shonna Thomas  
*Guardianship Reporting and Monitoring Program Coordinator*
6. Sixth District Juvenile Judge (Tab 7)<sup>1</sup> ..... Chris Morgan  
*Sixth District Trial Court Executive*  
Judge Brody L. Keisel
7. Third District Criminal Commissioners<sup>1</sup> above (Tab 8)..... Judge Mark S. Kouris
- 10:40 a.m.     Break
- 10:50 a.m.     Finalize 2023 Judicial Council Priorities ..... Judge Mark May  
Alisha Johnson and Karl Sweeney, AOC Finance
- 11:55 a.m.     Adjourn. Judicial Council meeting to follow.

---

<sup>1</sup> Separate AOC Recommendations on Judicial Officers for FY 2023 to be sent prior to the August 20<sup>th</sup> meeting.

Tab 1

# MISSION STATEMENT OF THE UTAH STATE COURTS

---

The mission of the Utah Courts is to provide the people an open, fair, efficient, and independent system for the advancement of justice under the law.

## INTRODUCTION

---

Annually, the Courts submit requests to the Legislative Fiscal Analyst office (LFA) for legislative ongoing and one-time funding for new initiatives. Before these requests are submitted to the LFA, the Judicial Council reviews the requests and determines if they should go forward through the legislative process. The final prioritized list is called the Annual Budget Plan. This year's preliminary Annual Budget Plan contains seven requests<sup>1</sup> totalling approximately \$6,365,000 ongoing and \$25,000 in one-time funds. It has been previously reviewed and prioritized by the Budget and Fiscal Management Committee (BFMC) for discussion and approval by the Judicial Council.

Requests that are approved by Judicial Council to forward to the Legislature will be addressed in the 2022 General Session. If approved by the legislature, the requests will then be added to the Court's FY 2023 budget.

## JUDICIAL COUNCIL BUDGET APPROVAL PROCESS

---

- 1) Judicial Priorities can be requested by any individual or group within the Courts. Most often requests come from AOC Departments (ex, IT, Education), TCEs, or Boards of District and Juvenile Court Judges (*previously completed*).
- 2) Judicial Priorities are sent to and vetted by AOC Finance to ensure the request is complete and addresses common questions in the write-up (*previously completed*).
- 3) AOC Finance forwards Judicial Priority requests to the BFMC for their review and approval. Requestors present and answer questions (*previously completed*).
- 4) The BFMC circulates Judicial Priorities to the Boards of District, Juvenile, and Appellate Court Judges (the Boards). The Boards also send their recommended prioritizations to the BFMC (*previously completed*).
- 5) The BFMC considers the Boards prioritizations and then fulfills the requirements of Code of Judicial Administration (CJA) Rule 1-204 and "review(s) court budget proposals (and) recommend(s) fiscal priorities..." (*previously completed*).
- 6) Budget requests are presented to the Judicial Council by requestors (*to be completed at August 20, 2021 Judicial Council Budget Planning meeting*).
- 7) Preliminary prioritization of requests is presented by the BFMC to the Judicial Council (*to be completed at August 20, 2021 Judicial Council Budget Planning meeting*).
- 8) Council members discuss the relative merits of the requests. They may, by motion and vote, amend requested amounts (*to be completed at August 20, 2021 Judicial Council Budget Planning meeting*).
- 9) Council members, by motion and vote, finalize prioritization of requests that will be advanced during the 2022 Legislative process. The Council does not perform the same detailed analysis as the BFMC, but, after listening to the presentation by the requesters, may recommend adjustments to (1) the request itself, (2) the requested amount, and/or (3) BFMC prioritization.

---

<sup>1</sup> Requests to the legislature are termed Judicial Priorities within the Courts. The Legislature may also refer to these requests as building blocks, budget requests, or business cases.

The requests approved for advancement to the Legislature will fall into one of the following two categories<sup>2</sup>:

- a) **Judicial Priorities/Building Blocks**—Items requested that the Judicial Council elects to pursue through the legislative appropriations process. Building block requests are submitted to the Legislature and to the Governor.
- b) **Legislative Fiscal Note**—Items requested by a Board or Committee that the Judicial Council elects to pursue through legislation and an accompanying fiscal note (i.e. the addition of a new Judge requires legislation and, therefore, cannot be submitted via a building block and would be required to go through the legislative fiscal note process).

*(To be completed at August 20, 2021 Judicial Council Budget Planning meeting.)*

10) Council members, by motion and vote, assign any requests not advanced as a Judicial Priority/Building Block or Legislative Fiscal Note into one the following two categories:

a) **Deferral or Alternative Funding**

- i. **Deferral**—Items which are removed from consideration for general fund money in the 2022 General Session and will be brought back to the Council in the spring or summer of 2022 for reconsideration of funding through (1) submission as a 2023 General Session Judicial Priority, (2) FY 2022 year-end surplus funds (1x funds), (3) carryforward funds into FY 2023 (1x funds) or (4) ongoing turnover savings (ongoing funds generally used for personnel matters).
- ii. **Alternative funding**—Items requested for which funding may be available from sources other than the Legislature including grants and items (2), (3) or (4) in “Deferral” above.

- b) **Elimination**—Items requested that the Judicial Council elects not to pursue during the 2022 Legislative session are removed from consideration for general fund money and will not be automatically considered again.

*(To be completed at August 20, 2021 Judicial Council Budget Planning meeting.)*

---

<sup>2</sup> There are two additional prioritization categories; none of this year’s requests fit into either category.

- a) **Supplemental**—Items for which there are insufficient funds for the current fiscal year. Funding will be requested through the legislative appropriations process. Some items may be one-time expenditures. Other items may require continued funding in successive years, in which case a building block is listed for the request year. Generally, these requests would first go through the carryforward funding process and would only reach this stage if carryforward funding was not available.
- b) **Obligations**—Items for which the judiciary has an existing obligation. Funding will be requested through the legislative appropriations process, but mandatory obligations will not be prioritized with other building blocks because they are required by statute (i.e. funding for a previously unfunded mandate).

## 2021 LEGISLATIVE BUDGET UPDATE

During the 2021 General Session, the Legislature:

- Funded three of the five Council Judicial Priorities for FY 22– but in 2 cases part or all of the funding was with one-time funds instead of ongoing funds. We are bringing the prior year requests funded with one-time funds back to the Council for consideration as FY 2023 Judicial Priorities as follows:

Description	2021 Legislature			2022 Legislature		
	FY 2022 Ask	FY 2022 Funded		FY 2023 Ask	FY 2023 Ask	FY 2023 Ask
	Ongoing	Ongoing	One-time	Ongoing - PY	Ongoing - New+	Ongoing Total
IT Developers	650,000	650,000		N/A		
IT OCAP Staff, Cyber security platform, Office 365, etc	802,000		802,000	802,000	320,000	1,122,000
Public Outreach Coord	120,000		120,000	120,000	-	120,000
PSA Automated	220,500	220,500		N/A		
Court Commissioners*	92,500	-	-	N/A		
Judicial Admin. Certification**	50,000	-	-	N/A		
<b>Total</b>	<b>1,935,000</b>			<b>922,000</b>	<b>320,000</b>	<b>1,242,000</b>

+ Ongoing - New for IT is insurance for ransomware attack = \$320,000; it is added to the prior IT requests that were not funding with ongoing funds

\* Funded by Judicial Council June 2021 using ongoing turnover savings

\*\* New Judicial Institute Director withdrew request

- Provided a cost of living compensation adjustment (COLA) for judicial employees totaling 3%.
- Provided funding for fiscal notes on multiple bills that affected the Judicial Branch (*see recap below*). The net impact to the Judiciary was \$847,400 in additional new funding for FY 2022. Of that, \$126,300 is available to allocate ongoing and \$118,100 available to allocate one time as “case processing.” The balance of \$603,000 allocated to specific areas as directed within the fiscal note itself.

			Case Processing			
			One Time	Ongoing	One Time	Ongoing
Sex Offender Registry Amendments	Fiscal Note	Case Processing	\$ 99,600	\$ 36,000	\$ 99,600	\$ 36,000
Abuse, Neglect, and Dependency Proceedings Amendments	Fiscal Note	Case Processing		\$ 800		\$ 800
DUI Liability Amendments (HB0139 2020 GS)	Fiscal Note	Case Processing		\$ 1,400		\$ 1,400
Warning Labels Amendemnts (HB0243 2020 GS)	Fiscal Note	Case Processing		\$ 200		\$ 200
Prisoner Offense Amendments (SB0032 2020 GS)	Fiscal Note	Case Processing		\$ 3,000		\$ 3,000
24-7 Sobriety Program Expansion	Fiscal Note	Case Processing		\$ 18,100		\$ 18,100
Criminal Justice Modifications	Fiscal Note	Case Processing		\$ 64,000		\$ 64,000
Criminal Offense Amendments	Fiscal Note	Case Processing		\$ 8,200		\$ 8,200
Conceal Carry Firearms Amendments	Fiscal Note	Case Processing		\$ (12,300)		\$ (12,300)
Self Defense Amendments	Fiscal Note	Case Processing		\$ 3,000		\$ 3,000
Conviction Reduction Amendments	Fiscal Note	Case Processing	\$ 18,500	\$ 2,800	\$ 18,500	\$ 2,800
Online Impersonation Prohibition	Fiscal Note	Case Processing		\$ 1,100		\$ 1,100
Pretrial Detention Amendments	Fiscal Note	IT Funding	\$ 6,000			
Joint Resolution Dissolving Smithfield City Justice Court	Fiscal Note	1st District		\$ 82,000		
Criminal Justice Modifications	Fiscal Note	Districts	\$ (197,000)	\$ 594,000		
Public Access to Court Records	Fiscal Note	IT Funding	\$ 118,000			
			<b>\$ (73,000)</b>	<b>\$ 676,000</b>		
		<b>Net Legislature specific allocation</b>		<b>\$ 603,000</b>		
Case Processing amounts represents Funds available for discretionary purposes - Roll to Funds Available for Council Prioritization					\$ 118,100	\$ 126,300

### LEGEND

Items in red represent funding identified by the Legislature for a specific purpose

Items not in red represent items that can be re-directed to other purposes



## FY 2023 - Judicial Priorities Scoring Worksheet

								Maximum Score for each Factor = 10 Before weighting			Final Recommendation		
Description	FY 2022 Rank	Used Same Criteria and Weighting as BFMC				Ongoing	One-time	Additional Description		Evaluation Factor 1		Evaluation Factor 2	Total
	(if applicable)	Board of District Court Judges Ranking	Board of Juvenile Court Judges Ranking	Board of Appellate Court Judges Ranking	BFMC Ranking	Amount	Amount						
										Weighting - 2x		Weighting - 1x	
Judicial Assistants Recruit and Retain	N/A	1	1	1	1	\$3,900,000	\$0	Address the unsustainable turnover rate in our core job Judicial Assistant job family.	0	0	-		
Information Technology Development and Security	#1	2	3	2	2	\$1,122,000	\$0	Holdover request from FY 2022 to fund \$802,000 to improve access to justice in Utah by improving the Courts' information technology infrastructure and development through upgrading outdated hardware/software, ensuring on-going funding for critical security software and adding additional OCAP staff. New request for \$320,000 for cyber security ransomware insurance.	0	0	-		
Public Outreach Coordinator	#2	3	5	3 (tie)	3	\$120,000	\$0	The Standing Committee on Judicial Outreach is requesting ongoing funding for 1 FTE to provide much-needed support for public outreach and education in all corners of Utah's communities. This need has been amplified due to the COVID-19 pandemic and it's future impact in years to come.	0	0	-		
Statewide Treatment Court Coordinator	N/A	5	4	3 (tie)	4	\$97,700	\$0	Add 1 FTE to serve as Statewide Treatment Court Coordinator for both District and Juvenile Courts.	0	0	-		
Court Visitor Program Coordinator	N/A	6	7	3 (tie)	5	\$92,100	\$0	Add 1 FTE to handle increase in number and complexity of Guardianship cases handled by CVP under GRAMP and provide training to current Court Visitor volunteers.	0	0	-		
Sixth District Additional Juvenile Court Judge	N/A	7	2	6 (tie)	6	\$449,100	\$25,000	Add 1 Juvenile Court judge and 2 Judicial Assistants as support.	0	0	-		
Third District New Criminal Commissioners	N/A	4	6	6 (tie)	7	\$584,000	\$0	Add 2 Criminal Commissioners and 2 Judicial Assistants to handle First Appearance Court, sign search warrants, sign arrest warrants, make detain/release decisions for newly arrested defendants, and determine whether to issue protective orders and civil stalking applications.	0	0	-		
Total Judicial Priority Requests						\$2,464,900	\$25,000						

Ranking is the Judicial Council ranking to the LFA for FY 2022; there is no presumption this ranking will hold for FY 2023.

**Mission - The mission of the Utah Courts is to provide the people an open, fair, efficient, and independent system for the advancement of justice under the law.**

Factor 1 -  
How essential  
to accomplishing  
Courts' mission

Factor 2 -  
Expenditure  
provides good  
return on  
investment

Rules

- (1) Must award one submission with a "10" score for each factor
- (2) Only one submission can earn a "10" for each factor
- (3) After "10" score is awarded, multiple submissions can earn the same score.

Tab 2





# FY 2022 / FY 2023 Business Case

**Agency:** Judicial Branch (Courts)

**Request Title:** Judicial Assistants - Recruit and Retain

**Presenter:** Bart Olsen

**Request Amount & Source:** General Fund

FY 2022 One-time	FY 2023 One-time	FY 2023 Ongoing	Total Request
\$0	\$0	\$3,900,000	\$3,900,000

**Performance Improvement Specialist & Contact Information:**

Michael Drechsel 801.578.3821 michaelcd@utcourts.gov

Karl Sweeney 801.578.3889 karls@utcourts.gov

**1. What system or program is the focus of this request?**

The benchmark job of Judicial Assistant at the Judicial Branch.

**2. Summarize the current budget for this system or program. If this is a new system or program, summarize the current budget for the line item and appropriation code(s) in which this new system or program will operate.**

[Insert narrative of current budget for judicial assistant, case manager, team manager, and training coordinator.]

**3. What problem would be solved with additional funding? Show historical data to support and quantify problem statement.**

The existing problem is a crisis of resource depletion. We have an unacceptable level of instability in our human capital and related necessary resources, solidly sustained nearly through the entire past decade, in the core function of Utah's courthouses (the Judicial Assistant). Additional funding would restore the ability of the Judicial Branch to internally manage business processes, organizational operations, staff training and other related matters successfully with an acceptable level of turnover within the core functions. [See attachments]

**4. What has been done to solve this problem with existing resources? What were the results?**

In recent years, the Judicial Branch has attempted several strategies to retain Judicial Assistants. Those strategies include but are not limited to:

- Granting rewards that are less costly upfront (administrative leave, token gift cards, recognition awards for completed years of service, etc.),
- Education assistance (tuition reimbursement for external certification/degree pursuits)
- Internal education opportunities
- Application for legislative funding of salary increases

Despite sincere efforts, none of these strategies so far have managed to have a meaningful impact on our alarming turnover rate trends. While the Judicial Branch intends to continue these less costly

strategies to enhance overall effectiveness, the Branch cannot ignore the sustained inability of our budget to retain sufficiently competitive core function wages in Utah's job market. [Data trends are attached.]

For at least the past decade and likely even longer, the Judicial Branch has attempted to solve challenges related to the job market almost exclusively with internally generated ongoing turnover savings. These savings are limited in large part due to the relatively small size of the Branch. While ongoing turnover savings does help us successfully address smaller pockets of hot-spot problems, there is simply not nearly enough to successfully apply a statewide remedy when the compensation for our core courthouse function falls significantly below the job market.

Relatively few requests have been made to the Legislature to fund targeted job market hot spot salary challenges in the Judicial Branch. Three years ago, a legislative funding request was submitted for FY20 and a portion of the request was granted, but neither the request nor the funded amount sufficiently addressed the scope of the problem that would eventually lead to today's crisis.

**5. How will new funding be utilized? What operational changes will be made to maximize new resources? Also, please summarize any legislation needed in conjunction with this incremental budget change request.**

This funding would be used to apply salary range increases and rate increases on a sliding scale of flight risk within the Judicial Assistant job benchmark. The highest percentage increase would be applied at the Judicial Assistant level and would taper down to the Team Manager level to minimize compression and maximize turnover rate impacts.

Short-term and long-term operational changes will be necessary to maximize the impacts of this funding request.

In the short-term, it is imperative that we (1) cut the length of time to recruit and fill positions, (2) automate and streamline employee onboarding, (3) move away from a compensation strategy that almost exclusively rewards short-term tenure, and (4) build tools for employees and managers that are most likely to enhance long-term retention efforts. Those short-term changes are already moving forward with formal Judicial Council approval of a combined recruitment and onboarding system, a new performance-focused compensation strategy, and the combined package from the Human Resources Department of (a) an employee-self-serve and manager self-serve Human Resource Tools website, (b) fully modernized HR policies, and (c) accompanying training and consultative efforts.

In the long-term, the Branch will need to consider other more complex decisions to maintain the ability to fund competitive wages, such as a centralized hiring and training program for core courthouse functions, hiring and training "in bulk" to realize critical economies of scale, and other business process/organizational strategy improvements.

**6. What are the anticipated results or outcomes of how the new funding will be utilized? What measure(s), including quality, throughput, and costs, will be used to track the change over time? Is data currently available to support these measures?**

Overall, we anticipate this core impact: the citizens of the State of Utah will have a judicial system that is more open, fair, and efficient as the only independent organization with codified authority to advance

justice services under the law. When external forces jeopardize the open nature, fairness, and efficiency of the system at once, the success of the entire system is placed at too great a risk. We anticipate this funding will bring such risks back to a reasonable level in contrast to the current alarming level of risk.

Measurement of outcomes may include:

- Anticipated achievement of an acceptable level of turnover in the Judicial Assistant job family - between 5% and 10% annual turnover is the target and is the level we anticipate seeing if funding is approved. Current HR systems support and allow for that data measurement.
- Reduced error rates in consequential non-judicial officer courtroom decisions [does IT have the ability to measure this?]
- Fewer negative court patron impacts such as missed release from jail, missed warrant to pick up inmate, eviction complications, missed opportunities for treatment programs, mistrials and/or decisions overturned on appeal due to technicalities
- Greater positive court patron and community-at-large impacts such as more positive divorce case proceedings, relieved space/staffing demands on jail and prison resources, enhanced opinions in community of fair proceedings and of “being heard” regardless of legal outcomes

Current data available to support these measures:

- HR systems track and report turnover data
- 

In addition, we anticipate the long-term centralization of hiring and training will result in elevated consistency of training, higher consistency of business processes from courtroom to courtroom and district to district, greater interchangeability of skill sets, resulting in much needed interchangeability of internal staff to fill emergency gaps as they occur with natural and acceptable turnover rates.

## **7. What are potential negative effects if the funding is not received?**

Our crisis of resource depletion and unacceptable level of staffing instability will undoubtedly worsen. Even a plateau of this problem rather than a worsening is an unreasonable hope. Problems from conducting court business through staff less skilled and less knowledgeable as each year goes by creates a greater problem with each year, resulting in a need for more legislative funding to solve the core problem. Funding to sufficiently address the problem, on the other hand, allows the Judicial Branch self-sufficiency to attain success on its own for many years to come.

Tab 3



# FY 2022 / FY 2023 Business Case

Agency: Judicial Branch (Courts)

Request Title: Information Technology Infrastructure and Development

Presenter(s): Heidi Anderson

Request Amount & Source: General Fund

FY 2022 One-time	FY 2023 One-time	FY 2023 Ongoing	Total Request
\$0		\$1,122,000	\$1,122,000

[highlighted sections represent updates from FY 2022 Business Case]

This request includes 100% of the \$802,000 of 1x IT spending requests funded with 1x funds in the 2021 Legislative Session.

This request includes \$320,000 of NEW ongoing requests.

## Performance Improvement Specialist & Contact Information:

Michael Drechsel 801.578.3821 michaelcd@utcourts.gov  
Karl Sweeney 801.578.3889 karls@utcourts.gov

### 1. What system or program is the focus of this request?

To improve access to justice in Utah by improving the Courts' information technology infrastructure and development through upgrading outdated hardware/software, ensuring ongoing funding for critical security software and adding additional development staff. **This request includes 100% of the \$802,000 of 1x IT spending requests approved in the 2021 Legislative Session.** To those requests we have added a request for spending an additional \$320,000 of ongoing funds to address a critical need to purchase cyber security ransomware insurance. **All of these requests are urgent. And that urgency has only increased with the issues surrounding access to justice in a post-COVID court system. All of these requests will enable to the Courts to move forward in our efforts to serve the people of the state of Utah in a way that protects them as they interact with the Courts.**

2. Summarize the current budget for this system or program. If this is a new system or program, summarize the current budget for the line item and appropriation code(s) in which this new system or program will operate.

The current general fund base budget for IT projects and development (BAK 3101) is \$5,745,000.

The current budgets for the requested systems/programs are:

#### A. Request of \$210,000 of ongoing funds to support 2 additional staff for the Online Court Assistance Program (OCAP) (Previous year 1x funding awarded by 2021 legislature):

The current funding for the OCAP system is a restricted account created by the legislature when OCAP was originally formed. The restricted account allows the courts to spend on OCAP only what is allocated to the account through the document preparation fees from the previous year. Since the funding source is based on filings, the annual amount varies

from year to year. In FY2018, the OCAP budget was \$113,000. Personnel costs, including wages and contracts for personnel and consultants, comprised most of the budget using \$82,000. An additional \$27,000 was used to pay for the subscription service HotDocs, which generates the documents based on the OCAP interviews. The remaining \$4,000 was spent on operational costs including maintenance for hardware and software. This amount has been declining over time.

**B. Request of \$72,000 of ongoing money for the upgrade/subscription service of Microsoft Software (Previous year 1x funding awarded by 2021 legislature):**

The courts do not have ongoing support for purchasing Microsoft Office products. As funding becomes available, the individual court districts independently purchase licenses for each user's machines.

**C. Request of \$25,000 of ongoing money for the increased bandwidth needed in rural Utah courts to support the technology and patrons including video hearings (Previous year 1x funding awarded by 2021 legislature):**

There is no current funding to increase the bandwidth in the rural locations of the state.

**D. Request of \$45,000 of ongoing funds to supply the additional WebEx licenses needed to conduct video hearings across the state (Previous year 1x funding awarded by 2021 legislature):**

There is no current funding for additional WebEx licenses to ensure we can conduct virtual hearings at all courtrooms in the state.

**E. Request of \$450,000 in ongoing money for the continued subscription service of critical network, application and cyber security software and devices (Previous year 1x funding awarded by 2021 legislature):**

The courts do not have ongoing funding to support the continued need to have device cyber security software. The original purchase was made with one-time funding after an external firm did an assessment and found we were largely missing what was needed to adequately protect the courts and its data.

**F. Request of \$320,000 in NEW ongoing funds for cyber security ransomware insurance:**

Most Utah state agencies are adding insurance to cover the cost of a successful ransomware attack and the need to pay out a specific sum for the recovery of Court data that has been compromised. This cost is an estimate which will be refined as we are able to get third-party bids. Costs vary depending on the quality of the data security controls in place (See Request E).

**3. What problem would be solved with additional funding? Show historical data to support and quantify problem statement.**

The mission of the Utah State Courts is to provide an open, fair, efficient, and independent system for the advancement of justice under the law. The Courts' information technology organization has been recognized nationally and internationally as one which effectively meets and often exceeds this mandate.

The Utah State Courts lead in efforts to advance access to justice through a variety of initiatives. These initiatives include e-filing in the district and juvenile courts, the Online Court Assistance Program (OCAP), the Self-Help Center, and Online Dispute Resolution (ODR). The Courts' effort to advance access to justice makes the Utah State Courts accessible to more Utahans and provides efficient means to resolve legal disputes. All of these initiatives have become even more critical during the pandemic as they provide virtual access to justice.

In order to maintain critical systems and to avoid losing momentum in providing increased access to justice, the courts must –

- A. Increase staff resources by 2 to support the Online Court Assistance Program (See Section 5B for details) - \$210,000 in ongoing funds **(Previous year request funded with 1x funds)**
- B. upgrade unsupportable/end of life Microsoft 2010 office software (See Section 5C for details) - \$72,000 in ongoing funds **(Previous year request funded with 1x funds)**
- C. Increase the internet bandwidth in rural areas so they can effectively run virtual hearings in the courthouse. (See Section 5D for details) - \$25,000 in ongoing funds **(Previous year request funded with 1x funds)**
- D. Increase the WebEx licenses so court can continue effectively across the state (See Section 5E for details) - \$45,000 in ongoing funds **(Previous year request funded with 1x funds)**
- E. Get ongoing funding to ensure court IT security software can continue to be maintained (See Section 5F for details) - \$450,000 in ongoing funds **(Previous year request funded with 1x funds)**
- F. Prevent the effects of a successful ransomware attack from further compromising the Courts' mission through obtaining ransomware insurance. Estimated annual premium cost will be \$320,000. This insurance speeds the payment to release data and resume the Courts normal operations. This cost is an estimate which will be refined as we are able to get third-party bids. Costs vary depending on the quality of the data security controls in place (See Request E). **NEW.**

#### 4. What has been done to solve this problem with existing resources? What were the results?

The technology needs and demands of the Courts have far outpaced our ability to find alternative funding (most commonly through one-time carryforward funds). This gap has accelerated given the need to deploy COVID-responsive tools (ex., WebEx) and the lack of carryforward funds due to budget cuts. This funding is necessary to continue the Courts efforts to utilize technology to effect efficiencies, safety, and greater access to justice. Ongoing investment in technology is both anticipated and required to realize the benefits from this approach.

Here's what we've done to solve the problem with existing resources:

- A. Request of \$210,000 of ongoing funds to support 2 additional staff for the Online Court Assistance Program (OCAP) (Previous year request funded with 1x funds):

The courts installed a new OCAP server in September 2018 to address problems with the difficulty patrons were having access the system. This did not resolve the problem.

**B. Request of \$72,000 of ongoing money for the upgrade/subscription service of Microsoft Software (Previous year request funded with 1x funds):**

The Courts have reduced the number of Microsoft users to those who need Microsoft as a critical function of their job.

**C. Request of \$25,000 of ongoing money for the increased bandwidth needed in rural Utah courts to support the technology and patrons including video hearings (Previous year request funded with 1x funds):**

The court has had to when the courthouse exceeds capacity remove patrons and attorneys from the public wireless network ensure court gets priority. This is a disservice to the public as we do provide them access to get to critical documents during court proceedings.

**D. Request of \$45,000 of ongoing funds to supply the additional WebEx licenses needed to conduct video hearings across the state (Previous year request funded with 1x funds):**

The courts were able to receive CARES act funding to provide the WebEx licenses for this year but need to have the ongoing funding to continue this benefit to the public.

**E. Request of \$450,000 in ongoing funds for the continued subscription service of critical network, application and device cyber security software and devices (Previous year request funded with 1x funds):** The Courts supported the critical need for the protection against cyber-attacks by purchasing the original software via one-time funding several years ago. With the budget cuts, one-time funding is no longer available.

**F. Request of \$320,000 in ongoing funds for adding insurance to cover the cost of a successful ransomware attack and the need to pay out a specific sum for the recovery of Court data that has been compromised. NEW.** This cost is an estimate which will be refined as we are able to get third-party bids. Costs vary depending on the quality of the data security controls in place. Request E is the source of the funds that address the weaknesses that are corrected to prevent a ransomware situation. Providing ongoing funds for Request E is the best way to prevent an attack, but having insurance in the event of a successful ransomware attack enables a “belt and suspenders” approach that ensures continuity of Court operations.

**5. How will new funding be utilized? What operational changes will be made to maximize new resources? Also, please summarize any legislation needed in conjunction with this incremental budget change request.**

History and high-level background of requests:

**A. Request of \$210,000 of ongoing funds to support 2 additional staff for the Online Court Assistance Program (OCAP):**

OCAP is a program that helps generate approved court forms for litigants, most of whom are self-represented. OCAP interviews a litigant on-line with a series of questions and populates



court approved forms with the answers. For self-represented litigants, the OCAP system is often the only available means to file or respond in a court case.

OCAP is in demand. OCAP is used most frequently in divorce and eviction cases. In fiscal year 2018, 5,284 divorce cases were filed using OCAP. This represents 42% of all divorce filings and 65% of all divorce filings submitted by self-represented litigants. It is essential that OCAP is maintained and improved in order to meet growing demand.

Since OCAP's inception, the original list of OCAP interviews has grown significantly. OCAP currently has 50 different interviews, each correlated to specific court forms. Both the interview screens and the forms require constant maintenance. We have received requests to add additional case interviews. Additionally, the OCAP team is working to build an interface for licensed paralegal practitioners (LPP). The additional staff would help to update and maintain these interviews and the documents generated from these interviews.

OCAP users are frequently unable to access the system. OCAP was developed by a group outside of IT and has not been subject to standard monitoring, security protocols, and development processes. Because of this, it has resulted in severe stability issues and security concerns. Additional staff will be dedicated to securing, stabilizing and growing OCAP.

**B. Request of \$72,000 of ongoing money for the upgrade/subscription service of Microsoft Software:**

The courts have relied on Microsoft Office products because it is the standard for documents in the legal field. To support the work of the courts we need Microsoft software. There are currently 1,540 devices across the state that have MS Office 2010 installed. This version of Microsoft office will no longer be supported as of October of 2020, and will no longer be patched for security. This will put the courts at higher risk of cybersecurity attacks.

This \$72,000 request is to begin to move licensing to MS Office 365 subscription services during the 2022 Fiscal Year.

**C. Request of \$25,000 of ongoing money for the increased bandwidth needed in rural Utah courts to support the technology and patrons including video hearings:**

In rural Utah the internet bandwidth is very low and, in most cases, no more than a 10-megabit line. Most homes in the metropolitan portion of the state have more internet capacity than our courthouses. Rural courthouses would often hit max capacity in pre-COVID times. Post-COVID with the use of more video hearings to enable people both outside and inside the courtroom to safely view and participate in the court proceedings, the need for greater bandwidth in rural courthouses has increased dramatically. The current bandwidth is no longer adequate for the needs. Providing rural courts the ability to conduct in-custody hearings over video also eliminates the need to transport in some cases. We need to ensure internet capacity is high enough to handle both in-person and out-of-courtroom proceedings smoothly.

**D. Request of \$45,000 of ongoing funds to supply the additional WebEx licenses needed to conduct video hearings across the state:**

The Courts were previously holding video hearings in some portions of the state for things like first appearance and law and motion. With COVID, the Courts had to react quickly to the need to conduct as many hearings via video as possible to ensure we met our patrons' constitutional right to speedy access to justice. With the need to do this more broadly we used one-time money to expand our footprint with WebEx to all Judges, Justices and critical court staff. We need to maintain this capability and seek ongoing funds to do so. **In the last 12 months, we have used WebEx to conduct –**

- 107,640 WebEx Meetings
- 7.3M minutes in the 107,640 WebEx meetings (a little of an hour per average WebEx meeting)

**Of the 107,640 WebEx Meetings**

- 98,660 were WebEx Video Meetings
- 52,660 were WebEx meetings with sharing of materials
- 45,300 were WebEx meetings that were recorded

**E. Request of \$450,000 in ongoing money for the continued subscription service of critical network, application and device cyber security software and devices:**

In 2018, the new Courts CIO asked the Judicial Council to conduct a cyber security assessment of the courts network systems and devices. The results of this assessment showed the Court's courts data and network were substantially at risk. When reporting out the information to the Judicial Council they decided to pause some existing priorities and move one-time funds to purchase security software to obtain the required protection to detect and prevent cyber-attacks. With budget cuts, one-time money is no longer available. IT went through a negotiation to get all of the software at a discounted price by purchasing a three-year bundle. In May of 2022, this initial three-year security software purchase will term out and needs to be converted to annual ongoing funding to support the security software packages needed to protect the courts and their data.

**F. Request of \$320,000 in ongoing money for a new insurance policy that covers the costs of purchasing cybersecurity ransomware insurance:**

Although ransomware attack are rare, any technology system is vulnerable to this type of hack. In 2018 the city of Atlanta Courts including personal laptops/desktops and servers were hacked and held for ransom. Our policy will be for an estimated \$10M of potential payments with a \$2M deductible.

**6. What are the anticipated results or outcomes of how the new funding will be utilized? What measure(s), including quality, throughput, and costs, will be used to track the change over time? Is data currently available to support these measures?**

**A. Request of \$210,000 of ongoing funds to support 2 additional staff for the Online Court Assistance Program (OCAP):**

The additional employees will establish criteria to measure all aspects of OCAP performance and security, create and maintain interviews, respond to system inquiries, and support the OCAP program.

**B. Request of \$72,000 of ongoing money for the upgrade/subscription service of Microsoft Software:**

The courts will have a version of Microsoft that is supported and is not subject to security breaches. The results will be tracked by the number of the license upgrades performed on each device.

**C. Request of \$25,000 of ongoing money for the increased bandwidth needed in rural Utah courts to support the technology and patrons including video hearings:**

The rural locations will be able to effectively use video (WebEx) and in person court proceedings while allowing much-needed public access internet. Court proceedings will not be interrupted or fail when it exceeds present bandwidth capacity.

**D. Request of \$45,000 in ongoing funds to supply the additional WebEx licenses needed to conduct video hearings across the state:**

This will result in the ability to have video hearings. This should result in a large reduction in prison transport needs and travel expenses related to meetings in a specific location. The WebEx Platform allows us to track the usage of meetings including times and attendees.

**E. Request of \$450,000 in ongoing money for the continued subscription service of critical network, application and device cyber security software and devices:**

The results of the funding will ensure we can continue to defend the millions of attempted attacks against the courts network.

**F. Request of \$320,000 in ongoing money to purchase ransomware insurance.**

The insurance premium cost will protect against a potentially much higher cost of payments to release data back to the Court.

**7. What are potential negative effects if the funding is not received?**

**A. Request of \$210,000 of ongoing funds to support 2 additional staff for the Online Court Assistance Program (OCAP):**

The system will continue to have stability issues. In the last year, the system has required several reboots a day in an attempt to keep it available. Although those reboots help, the Self-Help Center is still receiving feedback from patrons that it is unavailable almost daily. The system has not had a full security review and if not funded it will remain vulnerable to hackers.

**B. Request of \$72,000 of ongoing money for the upgrade/subscription service of Microsoft Software:**

If the MS Office 2010 software is left on the devices the courts will be at unacceptable risk of cyber-security attacks.

If the software is removed from the devices without a replacement, judges, legal staff, and others will not have access to critical tools to do their jobs.

**C. Request of \$25,000 of ongoing money for the increased bandwidth needed in rural Utah courts to support the technology and patrons including video hearings:**

The rural court locations will continue to have internet stability issues. This can interrupt court proceedings and cause delays in a hearing.

**D. Request of \$45,000 of ongoing funds to supply the additional WebEx licenses needed to conduct video hearings across the state:**

The courts will have to revert back to holding in-person hearings at many locations. The state of Utah will have to go back to transporting prisoners for hearings including first appearance and law and motion.

**E. Request of \$450,000 in ongoing money for the continued subscription service of critical network, application and device cyber security software and device and**

**F. Request of \$320,000 in ongoing money for ransomware insurance:**

The Courts will be more vulnerable to the risks of hacking and ransomware.

Tab 4



## FY 2021 / FY 2022 BUSINESS CASE

**Agency:** Judicial Branch (Courts) – Office of Fairness and Accountability

**Request Title:** Public Outreach Coordinator (Coordinator I)

**Requester:** Jonathan Puente

**Request Amount & Source:** General Fund

FY 2021 One-time	FY 2022 One-time	FY 2022 Ongoing	Total Request
\$0	\$0	\$120,000.00 (Midpoint Salary w/ Benefits, plus travel and equipment)	\$120,000.00

**Objective:**

The Office of Fairness and Accountability is requesting ongoing funding for 1 FTE to continue providing support for public outreach and education in all corners of Utah's communities. This need has been amplified due to the COVID-19 pandemic and its future impact in years to come. The Legislature provided 1x funding for this position in the FY 2022 budget appropriation.

**Executive Summary:**

Based on past recommendation by the courts' Racial and Ethnic Fairness study to invest more time and resources toward actively reaching out to marginalized communities, based on a national call by NCSC and the SCOTUS Chief Justice to provide more public education about the role and functions of the Judicial Branch, and based on the identified urgent need to reach self-represented litigants during a time of social and economic uncertainty, the **Committee on Judicial Outreach** and the **Committee on Resources for Self-Represented Parties** recommended the creation of a Public Outreach Coordinator position, which was approved and funded with one time funds and housed in the Office of Fairness and Accountability. In a short time, the OFA through the Public Outreach Coordinator has started to formalized and coordinate efforts to forge important partnerships, engaged community leaders, and spearhead outreach efforts to historically marginalized communities in need.

**History and Background of Request:**

Historically, the duties of community outreach and public education were handled by the Courts' Communication Director. Over time, the Committee on Judicial Outreach concluded that breaking down barriers of distrust that exist in some communities required much more time and resources than what one person can provide. Also, the Committee on Resources for Self-Represented Parties identified the lack of adequate staff resources to reach self-represented parties who could greatly benefit from court services. Reports from the Self-Help Center and outside legal organizations showed a disconnect between the services the courts provides for disadvantaged and underserved communities, and the people who need them.

The Utah Commission on Racial and Ethnic Fairness (1998-2004) [issued its first annual report and recommendations in January 2003](#). The goals of the commission were to: achieve equality and justice for

all people, encourage implementation of equitable practices, and institutionalize accountability. Among the Commission's recommendations (Pg.13), was the call for "building partnerships with Community Resources and Outreach through the State Office of Education, the Judicial Council's Public Outreach Committee, the Minority Bar Association, the Utah State Bar and communities of color..."

"The Judicial Council's Public Outreach Committee should take the lead in helping communities to understand the court process by considering implementation of the following: civics classes for minority communities, tours of the courts for schools and youth clubs, Meet the Judges nights, and having a Court - Community Outreach effort to link the courts and the public." (Pg. 36).

In an effort to accomplish this outreach directive, the Judicial Council adopted [Rule 3-114 of the Code of Judicial Conduct](#). The Standing Committee on Judicial Outreach has implemented school tours, public education resources for judges and teachers, and the Judge for a Day student/judge shadowing program. Statewide, many judges have volunteered to speak at their local schools. But, more needed to be done.

In an effort to reach out to marginalized communities, the Utah Courts hosted several judicial forums over the course of a three-year period (2013-2016) in Orem, Provo, West Valley, Salt Lake City and Ogden. Community attendance of these forums was sparse; prompting discussion by Judicial Outreach and Community Relations Subcommittee members about ways to increase participation. Community representatives in both bodies advised that there exists deep distrust and lack of education among many minority communities. The lack of public participation was an indicator that the Courts needed to invest more time and resources toward building relationships with Utah communities, and community-based organizations. Several organizations who work within Utah Hispanic communities told the Courts that more time needed to be spent forging relationships with groups who work within marginalized communities.

The Courts Self-Help Center did its best to ensure some limited presence by the Courts at community events, but staff time and resources were very limited. What was needed was a coordinator who can work with already-established, community-based workers and organizations to provide education and training on where people in need can go for help with legal issues, and just as importantly, how the justice system works.

This type of community work is time-intensive. While our judges and staff members are dedicated to help in this regard through volunteering with outreach efforts, it required more staff resources than what was currently available.

Significant effort has been invested by the Courts to study, identify needs, and implement important services for self-represented and underserved parties. However, recent studies continue to show that many people have trouble finding and accessing those services ([Key Findings - "The Justice Gap, Addressing the Unmet Legal Needs of Lower-Income Utahns," Utah Foundation, April 2020](#)). The Courts recognized they needed to take a more active role in narrowing the access to justice gap. They created through one time funds the Public Outreach Coordinator position. The position began functioning in Spring 2021. While providing one FTE position did not completely eliminate this gap, it was a good-faith investment by the Courts that showed results almost immediately. As the outreach efforts began, many of Utah's communities had questions about domestic, landlord/tenant, small claims, and employment matters due to the COVID-19 pandemic, the Public Outreach Coordinator was key in guiding them to resources. Given the radical changes to court services due to the pandemic, the public will need help understanding how to get help in the months, and possibly years, to come. The Public Outreach Coordinator will be a crucial resource for these communities.

The newly created Office of Fairness and Accountability needs ongoing funding for this Outreach Coordinator in order to fulfill its charter mission of connecting to diverse communities and forging much-needed working relationships.

**Detailed Request of Need:**

**a) Summarize the current budget for this system or program.**

The newly created Office of Fairness and Accountability was approved for one-time funding by the Legislature in the Court's FY 2022 appropriation for the Public Outreach Coordinator position. The position has been filled since FY 2021 Q4.

**b) What problem would be solved with additional funding? (Show historical data to support and quantify problem statement.)**

The problem that would be resolved with additional funding will be the distrust from historically marginalized communities towards the Courts. The impact the Public Outreach Coordinator position was immediately felt as community organizations the Court had not engaged with in years saw the establishment of the Public Outreach Coordinator and of the Office of Fairness and Accountability as good-faith effort by the Courts to genuinely engage them and establish a relationship in which historically marginalized communities can gain trust and confidence in the Courts. This trust and confidence create legitimacy in the Courts, which has not always been felt in historically marginalized communities.

**c) What has already been done to solve this problem with existing resources and what were the results?**

The Public Outreach Coordinator position was established spring of 2021, through one-time funding. The results were an immediate interest in community-based organizations towards the access to justice initiatives the Courts had implemented or were about to roll out. Community representatives expressed what it meant to them that the Courts had established the Office of Fairness and Accountability and the Public Outreach Coordinator position as a sign of progress. Another important impact was that the courts were able to hear directly from community-based organizations what the legal needs of historically marginalized communities were. The intentional efforts by the Office of Fairness and Accountability through the Public Outreach Coordinator to engage historically marginalized communities to close a perceived justice gap have already resulted in better communication with the public particularly historically marginalized communities. To fund this position on-going will show historically marginalized communities the genuineness of the Courts efforts in engaging them and building trust.

**Cost Detail:**

**a) How will new funding be utilized?**

There exist several comparable positions in other court systems. We've identified several program coordinator positions in Colorado, Los Angeles, San Mateo, and Florida. Similar positions require a Bachelor's degree and usually several years of experience in education or community relations. Positions range from \$55,000 - \$100,000 annually with benefits. The Courts' salary range for a Program



Coordinator I position is \$43,055 - \$64,729. Our actual funding for salary and benefits for the position is approximately \$90,000. Beyond position funding, additional funding is needed for materials, outreach campaigns and travel and this request includes an additional \$30,000 for these items.

**b) What are the anticipated results or outcomes of the new funding and how will the results be tracked?**

Funding this position on-going will have the following effects:

- The coordinator will continue to open new fields of outreach that will inform and improve on court services and increase public trust and confidence in the courts. The Public Outreach and Coordinator is helping to create outreach programs that provide training to community case workers, establishing working relationships within marginalized communities, and creating events tailored to feedback and needs of those communities. The coordinator is also acting as an education resource for schools at all levels. The coordinator will work with educators to create a formalized educational experience about the Judiciary by providing mock trial materials, worksheets about the courts, coordinate judicial speakers and tours well-timed with a school's curriculum.
- Funding the Public Outreach Coordinator on-going shows the public particularly historically marginalized communities that the courts are not only serious about engaging them but they are genuine in building trust and confidence. It shows that the Courts are being intentional and purposeful in closing any access to justice gap that exists with these communities.

Outreach results will be included in regular reporting to the Judicial Council through the Office of Fairness and Accountability.

**c) What are potential negative effects if the funding is not received?**

Not having a Public Outreach Coordinator position funded ongoing puts the Courts at a disadvantage when it comes to shaping the public's perception of the Utah court system. The work to engage marginalized communities and educate them on services the courts can provide and demystify assumptions people have about the courts; either based on cultural differences, fear, or both has already begun. By not funding this position on-going, the Courts will significantly add to the mistrust community members already have towards the Courts. It will be incredibly detrimental to the burgeoning relationship that has been established by the OFA and the Public Outreach Coordinator with the community members to not fund the Public Outreach Coordinator position ongoing.

**Alternatives:**

The request is for an ongoing FTE position. This request was prioritized by the Council during the FY21 budget cycle, but was funded by the Legislative with one-time funds. If ongoing funds are not available, one-time funding would be a temporary stop-gap measure. Seeking funding through grants for this FTE position would not be advisable, as the nature of this position requires a long-time commitment in order to work.

Tab 5



# FY 2022 / FY 2023 Business Case

**Agency:** Judicial Branch (Courts)

**Request Title:** Statewide Treatment Court Coordinator

**Presenters:** Shane Bahr, District Court Administrator

Neira Siaperas, Juvenile Court Administrator

**Request Amount & Source:** General Fund

FY 2022 One-time	FY 2023 One-time	FY 2023 Ongoing	Total Request
\$0	\$0	\$97,700	\$97,700

**1. What system or program is the focus of this request?**

Funding from this request will support one FTE to serve as the Statewide Treatment Court Coordinator. This position will serve both district and juvenile courts in all districts throughout the state.

**2. Summarize the current budget for this system or program. If this is a new system or program, summarize the current budget for the line item and appropriation code(s) in which this new system or program will operate.**

This is a new shared position that will serve juvenile and district courts. This position will be housed at the Administrative Office of the Courts and primary supervision will be provided by the District Court Administrator in collaboration with the Juvenile Court Administrator.

**3. What problem would be solved with additional funding? Show historical data to support and quantify problem statement.**

In March, 2019 the Judicial Council requested a small workgroup be created and tasked with conducting an inventory of treatment court coordination and certification. The work product from this workgroup resulted in the [Inventory and Recommendations Concerning Coordination and Certification of Problem Solving Courts in Utah](#) report which was submitted the Judicial Council in November, 2019.

Members of the workgroup concluded that a more structured and robust coordinating approach at the state and local level needs to be implemented and provided the following recommendations to the Judicial Council:

1. Hire a full-time statewide treatment court coordinator and support staff to assist with evaluation, training and certification
2. Create a statewide treatment court coordinating committee
3. Obtain additional court FTEs to serve as local treatment court coordinators

In response to the Report, the Judicial Council unanimously approved a fulltime statewide treatment court coordinator and authorized the committee to explore funding options to fund the position. The Council also approved the formation of an ad hoc Treatment Court Committee. At a subsequent Management Committee meeting (January 14, 2020), creation of the Treatment Court Committee was postponed until the coordinator is funded and hired.

Since the Report was submitted to the Judicial Council in 2019, the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA) [chartered](#) the Council of State Treatment Court Coordinators, as a standalone entity, for the purpose of improving the performance of treatment courts around the country. Utah is one of the few states in the nation that does not have a full-time statewide treatment court coordinator involved in this effort. Judge Fuchs attends the meetings as time permits, but as a part-time contracted employee he does not have the capacity to relay information to local courts and implement new best practices.

By implementing a more supportive structure, treatment courts will be better equipped to maintain fidelity to the evidence based principles of the treatment court model. As a result we will deliver more effective services to treatment court participants and reduce the risk of doing harm to those participating in treatment courts.

#### **4. What has been done to solve this problem with existing resources? What were the results?**

AOC leadership has pursued the possibility of accessing additional Tobacco Settlement dollars to fund part or all of a coordinator position. Unfortunately, the limited funds allocated to the courts are fully utilized in local districts to support drug court efforts.

#### **5. How will new funding be utilized? What operational changes will be made to maximize new resources? Also, please summarize any legislation needed in conjunction with this incremental budget change request.**

Funding will be utilized to fund one full-time employee.

#### **6. What are the anticipated results or outcomes of how the new funding will be utilized? What measure(s), including quality, throughput, and costs, will be used to track the change over time? Is data currently available to support these measures?**

The Statewide Treatment Court Coordinator will actively serve district and juvenile courts throughout the state by:

- providing training,
- responding to questions and keeping local courts informed of new practices to work with the respective population,
- staffing a Statewide Treatment Court Committee,
- working with local treatment court coordinators,
- representing the Council of State Treatment Court Coordinators and serve as the liaison between national and state leadership,
- reviewing and revising certification process as indicated,

- collaborating with community stakeholders, and
- establishing a data collection process for program evaluation.

**7. What are potential negative effects if the funding is not received?**

By implementing a more supportive structure treatment courts will be better equipped to maintain fidelity to the evidence based principles of the treatment court model. If the request for a statewide treatment court coordinator is not funded, treatment courts in Utah will continue to operate with little to no statewide coordination. As a result, we will deliver less effective services to treatment court participants and increase the risk of doing harm to those participating in treatment courts.

Tab 6



# FY 2022 / FY 2023 Business Case

**Agency:** Judicial Branch (Courts)

**Request Title:** Court Visitor Program Coordinator

**Presenter:** Shonna Thomas

## Request Amount & Source: General Fund

FY 2022 One-time	FY 2023 One-time	FY 2023 Ongoing	Total Request
\$0	\$0	\$92,024	\$92,024

## Contact Information:

Shane Bahr	801.578.3971	<a href="mailto:shaneb@utcourts.gov">shaneb@utcourts.gov</a>
Shonna Thomas	801.578.3925	<a href="mailto:shonnat@utcourts.gov">shonnat@utcourts.gov</a>
Karl Sweeney	801.578.3889	<a href="mailto:karls@utcourts.gov">karls@utcourts.gov</a>

### 1. What system or program is the focus of this request?

The Court Visitor Program (CVP), under the Guardianship Reporting and Monitoring Program (GRAMP), provides to judges a cadre of trained volunteers to serve as Court Visitors in guardianship and conservatorship proceedings. GRAMP was created to assist the judiciary, provide the court with tools to establish accountability in guardianship and conservatorship cases, and to detect potential abuse in the vulnerable adult population.

The CVP provides an essential service to the courts in monitoring guardianships, tracking down missing guardians, providing information to the judge when a respondent is unable to attend the hearing, auditing records, and investigating the circumstances and well-being of protected persons. Additionally, Court Visitors are statutorily required (e.g., Utah Code §75-5-303, 75-5-306, 75-5-312).

In a [2020 guardianship survey](#)<sup>1</sup> by the National Center for State Courts (NCSC), staffing was identified as an area of critical need, with funding for monitoring listed as unavailable or clearly insufficient. Because the court has continual jurisdiction in guardianship cases, there must be a solid system in place for monitoring guardianship cases across time. The CVP was created to assist with this responsibility.

This request is for funding for an additional FTE – Court Visitor Program Coordinator, at a cost of \$92,024.

### 2. Summarize the current budget for this system or program. If this is a new system or program, summarize the current budget for the line item and appropriation code(s) in which this new system or program will operate.

In 2017, GRAMP was transferred from the legal department in the AOC to the Office of District Court Administration where it is currently housed. Current funding supports two FTE who work under GRAMP.

---

<sup>1</sup>

<https://www.ncsc.org/information-and-resources/trending-topics/trending-topics-landing-pg/guardianship-monitoring-survey-reveals-continuing-challenges-some-improvements>

This program has been overwhelmingly successful and an additional FTE is needed to manage the current workload and to expand services to other vulnerable adults and children in the state of Utah.

## BACKGROUND

- The CVP has served the courts and community since 2012. The program was built on a three-year grant from the State Justice Institute (SJI) that expired June 30, 2014.
- For FY2015, the AOC applied for \$100,000 in grants, but was not awarded new funding. However, approximately \$40,000 in prior SJI funds carried over into 2015. At that time, the Judicial Council funded the difference between that amount and the cost of the program (approximately \$100,000).
- For FY2016, 2017, and 2018, the Judicial Council committed one-time funding of approximately \$160,000, a portion of which was offset in 2017 and 2018 by grants the program received for its WINGS (Working Interdisciplinary Network of Guardianship Stakeholders) Committee work.
- In FY2018, a building block for GRAMP was advanced to the legislature and was appropriated permanent funding for two FTE – Court Program Coordinators.

Currently, the needs of the program dictate the following division of responsibility between the two full time coordinators:

- GRAMP Program Coordinator II oversees all programs under GRAMP, supervises the Court Visitor Program Coordinator, serves as the liaison between the programs, community, and stakeholders, serves as staff to the WINGS Committee, and other committees as needed, coordinates the Guardianship Signature Program with the bar, and focuses on guardianship policy issues.
- Court Visitor Program Coordinator I focuses on case management, direct work with Court Visitor volunteers, volunteer retention, and serves as a liaison between the CVP and judges and judicial support staff.

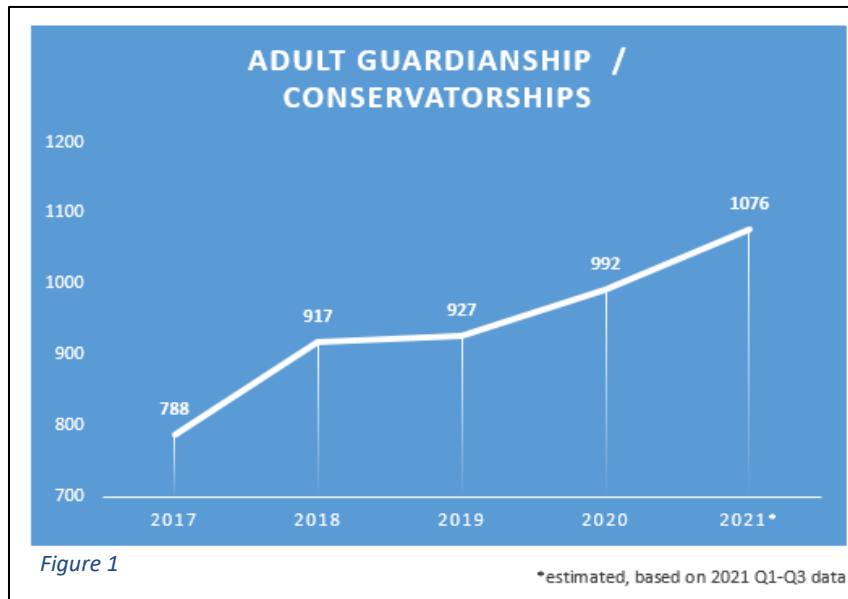
### **3. What problem would be solved with additional funding? Show historical data to support and quantify problem statement.**

Since receiving funding for the program, the CVP has made the best of the resources available to perform these services and has developed a strong reputation and reliance amongst court judges. However, over the past few years, a myriad of issues has arisen (described in more detail below), which can be summarized into two main problems: (1) Increased guardianship filings and complex case requests, and (2) a decrease in available Court Visitor volunteers.

At the time GRAMP received permanent funding from the legislature, the courts received an average of 800 adult guardianship and conservatorship filings per year (2014 – 2017). Since that time, the data indicates significant increases in adult guardianship and conservatorship filings. (*See figure 1.*) Between

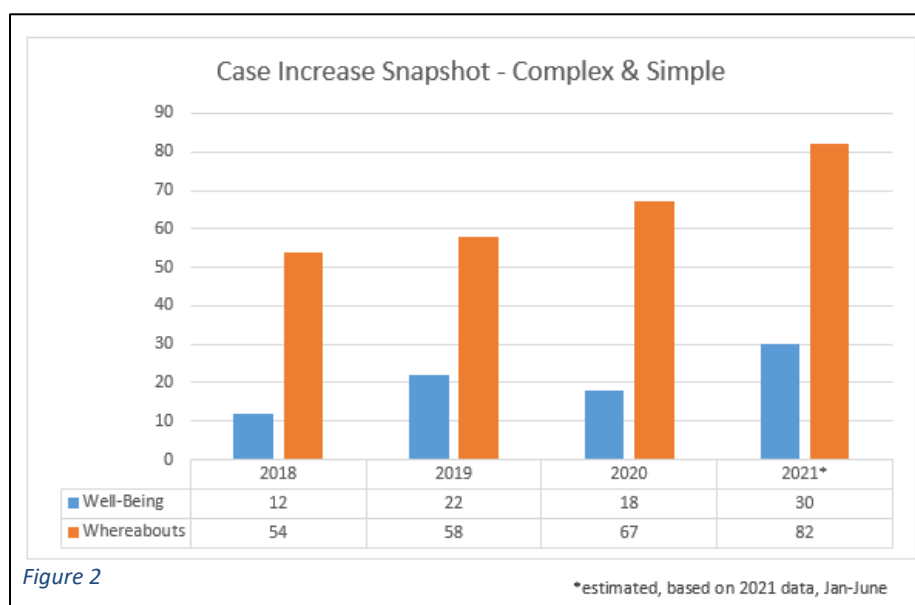


2017 and 2020, filings increased approximately 26%, and that increase is on pace to expand to 37% by the end of 2021.



#### **Problem 1 – Increase in complex case requests.**

Prior to receiving permanent funding, the most frequent case request was a Whereabouts investigation, wherein Court Visitors assist the court by tracking down guardians/conservators who had not filed required annual reports and provide education on reporting requirements. (See *Appendix A*.) These cases are less time-intensive for both the Court Visitor and the program coordinator, averaging approximately 10 hours and 4 hours of time, respectively. However, as the program's reputation has grown, the number of requests for more time-intensive and



complicated cases has increased. For example, Well-Being requests have increased in 2021 by an estimated 67%. (See figure 2.)

Furthermore, complex cases often have hearings scheduled and other deadlines that the CVP must follow, whereas Whereabouts investigations generally do not. As such, complex cases are typically placed at a higher priority. This has resulted in a backlog of Whereabouts case requests that continues to increase. The CVP currently has 37 Whereabouts case requests pending, with requests made as far back as May 2020. Whereabouts case requests have increased by an estimated 22% in 2021. (See figure 2.)

### **Problem 2 – Increase in complexity of “complex cases.”**

In addition to receiving more requests for “complex cases,” the CVP has noted a significant increase in the time needed to prepare these cases for the judge. From 2018 – 2019, complex cases took an average of 15 hours/case of the program coordinator’s time.

Since 2020, these cases often reflect circumstances that are more complicated, and frequently involve other agencies (e.g., Adult Protective Services, Office of Public Guardian, and Long-Term Care Ombudsman). The Court Visitor reports are more detailed and include important items for the court to consider. This has increased the time the program coordinator spends with the Court Visitor to 45 hours/case, on average. Consequently, the program has had to increase deadlines for completing investigations, which delays the judge receiving the requested information and proceeding forward with the case.

### **Problem 3 - Guardianship training in the courts.**

Judicial support staff encounter guardianship cases more often than before, but may lack the training and knowledge of current guardianship statutes and procedures. Court staff often require extra assistance from the CVP to understand requirements in guardianship cases. Additionally, there appears to be a high degree of turnover or staff rotation, which requires the CVP to provide individual training on a case-by-case basis to new staff members. The program coordinator must spend extra hours providing this assistance, in addition to the regular program responsibilities.

The CVP is dedicated to helping court staff, judges, and districts to better understand guardianship processes in the courts. However, the increase in cases and case complexity has not allowed the CVP to set aside the time needed to provide sufficient training and education to court staff on a recurring basis.

### **Problem 4 – Court Visitor volunteer recruitment, retention, and training.**

The number of volunteer Court Visitors has decreased over the past several years. (See figure 3.) Due to the increase in cases, since 2018, the CVP has been unable to set aside time to recruit new volunteers. Consequently, the CVP has handled the increase in cases and case complexity with the existing group of volunteers.

Court Visitors have been asked to take on more cases back to back, with less downtime in between. Additionally, Court Visitors are often spending significantly more volunteer time on complex cases than in years past. For example, in one ongoing complex case, the Court Visitor has spent an estimated 250 hours, thus far, conducting the investigation. Although not necessarily the norm, this illustrates the degree of commitment being asked of Court Visitors. (Average time spent on a complex case ranges between 100 -125 hours.)

Moreover, Court Visitors are often on a case longer than before, which decreases their availability for pending cases. This can affect the program's ability to handle Excuse the Respondent cases in particular. These cases typically only have a few weeks before the scheduled hearing, requiring the case be assigned as quickly as possible. As a result, the CVP has had to request from the court extensions on report deadlines, which causes delays to the judge receiving this important information.



Figure 3

#### **Problem 5 – Utah Code 75-5-303(5)(d) – Waiver of an attorney.**

This statute, which went into effect in 2018, requires a respondent in a guardianship case be represented by an attorney, unless specific criteria are met, including the appointment of a Court Visitor.

The state court's list of attorneys, the Guardianship Signature Program (GSP), connects volunteer attorneys with opportunities to represent respondents in guardianship cases on a pro bono or low-bono basis. Relying solely on volunteer attorneys, the GSP is often unsuccessful in fulfilling requests, especially outside the third district. As a result, the CVP is asked to conduct a complex case investigation. ("Circumstances" case type. *See Appendix A.*)

The GSP represents an unfunded mandate for representation and the CVP often bears ultimate responsibility for program gaps within the GSP.

In summary, providing funding for an additional Court Visitor Program Coordinator would have a significant impact on the program's ability to manage and mitigate the problems described above, and afford room for the program to grow as cases continue to increase. More importantly, the program would be better equipped to assist the court in providing vital access to justice and monitoring for this vulnerable population.

#### **4. What has been done to solve this problem with existing resources? What were the results?**

Several steps have been taken to address these problems, prior to seeking additional funding:

- The GRAMP Program Coordinator updated and revised online resources (websites), manuals, recruitment materials, reference sheets, and other documents to provide training and tools to court staff, Court Visitors, and the community.
- GRAMP has conducted presentations with court staff and community stakeholders to provide education and updated information on guardianship in the courts, to help limit the number of individual inquiries and questions the Court Visitor Program Coordinator must field.
- The GRAMP Program Coordinator developed recorded trainings that are used to deliver orientation to new Court Visitors and assist with Whereabouts investigations. This has helped to decrease the time the Court Visitor Program Coordinator must spend providing training, especially for students and limited-term volunteers.
- The CVP regularly receives Whereabouts requests for the same case 2-3 times over the course of the guardianship appointment, indicating a gap in guardian education. Therefore, a Guardian and Conservator Education Packet was created, to use in conjunction with Whereabouts cases, to offer better education to guardians and decrease the number of repeat Whereabouts requests received by the CVP.
- The GRAMP Program Coordinator streamlined the steps taken during the assignment phase of a case, including creating Assignment Plan templates and step-by-step instructions. This has helped to decrease the time the Court Visitor Program Coordinator must spend preparing materials for case assignment.
- The CVP has worked with WINGS and agency stakeholders (Adult Protective Services, Office of Public Guardians, and Long-Term Care Ombudsman) to educate on program needs, statutes, and procedures, to streamline requests that arise from these agencies.
- The GRAMP Program Coordinator has accepted responsibility on approximately 30 Whereabouts cases, to free up the Court Visitor Program Coordinator's time for complex cases.
- In April-May 2020, GRAMP worked with Clerks of Court on the Whereabouts Gap Project. This project utilized the services of 23 volunteer judicial support staff, who had experienced a decreased workload at the time due to COVID-19. Judicial support staff were trained to conduct a Whereabouts investigation in the same manner as Court Visitors. Over the course of six weeks, 24 Whereabouts requests were completed by these staff members.

(Note - While the Whereabouts Gap Project was extremely successful in the short-term, it is not sustainable as a long-term solution.

- This project helped the CVP catch up on older requests, many of which were several months old, but it did not stem the flow of new requests coming in.
- The pandemic that created a decreased workload for some staff has now evolved to an increased workload for many court staff, diminishing the likelihood of staff availability.
- Managing this number of cases at one time was only made possible by a full-time focus from both the Court Visitor Program Coordinator *and* the GRAMP Program Coordinator.

However, this does highlight how successful the CVP can be in responding to requests with two full-time program coordinators.)

- In 2021, a new position was developed, GRAMP Summer Internship. This position provides for an unpaid intern to work within GRAMP for a 12-week period, from June through August. The intern will be given an assortment of tasks and responsibilities, including assisting the CVP with ongoing and pending cases and conducting several Whereabouts investigations.

**5. How will new funding be utilized? What operational changes will be made to maximize new resources? Also, please summarize any legislation needed in conjunction with this incremental budget change request.**

The new funding will be used to hire a second Court Visitor Program Coordinator to share the duties and responsibilities of that position. The CVP will continue to operate in a similar manner, but with greater efficiency, output, and the ability to scale for the future. Both Court Visitor Program Coordinators would continue to report to and receive supervision from the GRAMP Program Coordinator.

With two FTEs, the program would develop internal processes for the division and management of ongoing cases and pending requests. Similarly, responsibilities for training current Court Visitors, court staff and judges, and the recruitment of new volunteers would be split between the program coordinators. The GRAMP Program Coordinator would be responsible for creating these internal processes and division of responsibilities.

**6. What are the anticipated results or outcomes of how the new funding will be utilized? What measure(s), including quality, throughput, and costs, will be used to track the change over time? Is data currently available to support these measures?**

It is anticipated that the addition of a second FTE Court Visitor Program Coordinator would result in numerous positive outcomes. For instance, it is anticipated that the CVP would be able to:

- Improve fulfillment of the statutory obligations of the program in guardianship cases.
- Catch up on pending cases, some of which have been waiting for over a year.
- Distribute incoming complex cases, improving efficiency, and getting information to judges in a timely manner.

- Improve the program's ability to meet case deadlines, decreasing the length of time a case request remains on the "pending" list.
- Implement a plan to work with colleges and universities to bring in student volunteers to work on Whereabouts investigations.
- Develop and implement a recruitment strategy to increase the number of available Court Visitor volunteers, thereby decreasing pressure on existing volunteers.
- Expand the CVP's involvement in monitoring of minor guardianship cases. These cases are currently limited to Whereabouts only, as the program is not equipped to handle the influx of requests that would occur if other case types were permitted. The CVP would also be able to provide training to Court Visitors on interviewing this special population, which does not currently exist.
- Develop an ongoing education plan to assist judges and judicial staff in guardianship cases.
- Develop key training tools and processes to help Court Visitors in their role as neutral, unbiased special appointees of the court.
- Prepare and execute regular group training sessions/events with Court Visitors, to make better use of resources and time, and allow Court Visitors to learn from one another.
- Extend additional effort and attention to show appreciation of the current Court Visitors and the valuable service they provide to the courts.
- Provides the cross-training needed to ensure continual coverage of the program, to account for vacations and leave time, illness and extended sick leave, and possible staff changes over time.

The CVP would be able to successfully monitor and track the results of the new funding. The CVP currently uses a database to track all CVP cases, from the time of request through case completion. All completed cases are retained in the database, allowing for data comparison over time. In addition, the CVP receives monthly and quarterly reports on new guardianship filings and current/ongoing guardianship cases, which allows the CVP to monitor trends in this area and ensure that the program is prepared to respond as needed.

Furthermore, the program could develop an annual survey to judges who used the program during the past year, to ascertain program strengths, areas for improvement, gaps in training and resources, and the degree to which the program's involvement in a case was helpful to the judge. (Note - the monitoring and tracking of this data would not impact the workload in the CVP, as it would remain the responsibility of the GRAMP Program Coordinator.)

## **7. What are potential negative effects if the funding is not received?**

A [recent letter](#)<sup>2</sup> sent from U.S. Senators Warren and Casey to the U.S. Attorney General and Secretary of Health and Human Services, highlights a growing awareness of the inherent responsibility of the courts in guardianship proceedings, and the benefits and risks involved in guardianship and conservatorship arrangements. This national spotlight has generated local attention as well, and lends support to the importance of monitoring to ensure the safety and well-being of vulnerable individuals.

In this regard, the CVP is a valuable resource for Utah's courts. It has been managed successfully for several years, with a positive standing internally, amongst stakeholder agencies, and a recognized national presence. Up until recently, the CVP has been able to address adequately the growth in cases and case complexity. However, over the past two years, it has become increasingly clear that this is not sustainable.

Currently, the CVP enjoys a solid reputation with judges as a program that provides pertinent, timely, and valuable information. On average, 35-40 different judges request a Court Visitor each year. However, the CVP's ability to maintain that reputation and meet the high expectations it has set, is in jeopardy. Without additional funding, the CVP would be hard-pressed to manage the existing caseload, let alone the expected increases in cases, as required by statute (Utah Code 75-5-303).

Similarly, the CVP would be unlikely to be able to recruit additional volunteers, which places a larger burden on current Court Visitors, decreasing the program's ability to retain Court Visitors over time. In fact, although the CVP has a list of 35 Court Visitors, approximately 12-15 individuals on that list are responsible for completing the bulk of the cases over the past two years. The CVP cannot afford to lose any of these high-producing volunteers, without a backup plan for recruitment in the future, which requires greater time and resources than it is currently able to give.

Some additional short-term negative effects include:

- Continuing the backlog of pending Whereabouts requests. Guardianship cases generally have several "eyes" on the protected person (e.g., family, friends, service providers, and the court). However, in cases where the court has lost contact with the guardian, the court's ongoing monitoring of the guardianship has been broken. These cases pose a real threat as the court is missing key information to ensure the well-being and protection of the protected person.
- Extending the timeframes of each case type, spreading out cases to allow the program coordinator to manage the workload. For instance, Well-being and Circumstances cases are typically given 6-8 weeks for completion. This would be extended to 10-12 weeks. Likewise, Excuse cases would increase from 2-3 weeks, to a 3-4 week timeframe. (See the attached memo indicating the new timeframes, which went into effect on August 1, 2021.)

- Requests to amend orders to extend deadlines on active cases will increase. The program has seen an upward trend in this area from 2020 to 2021.
- The GRAMP Program Coordinator will need to divert additional time to assist the CVP, taking resources away from improving the Guardianship Signature Program (GSP). As noted earlier, the GSP has a direct impact on the CVP. Therefore, this tactic would provide short-term relief at the expense of a longer-term resolution.

In summary, we believe that additional funding will be essential for the long-term viability of this statutorily required program. Every month, the CVP gets further behind on pending cases, and deadlines for cases must be extended to allow the program to conduct investigations with the limited resources available. This expands the time before the case can proceed, which not only impacts the parties, attorneys, court staff, and the assigned judge, but most importantly, the vulnerable adult. This is especially relevant in cases where allegations have been made of fraud, abuse, and financial exploitation, or when monitoring of a guardianship has ceased, leaving a gap in protection for those respondents.



## Appendix A – Supplemental Material

### Court Visitor Program – Case Types

Excuse the Respondent	<ul style="list-style-type: none"><li>• Often called “Excuse” cases colloquially, the purpose is to investigate the respondent’s ability to attend the court hearing.</li><li>• The Court Visitor can expect to interview the respondent, the proposed guardian, and the respondent’s medical professional.</li><li>• The timeframes in Excuse cases are short – typically 2-3 weeks.</li></ul>
Circumstances	<ul style="list-style-type: none"><li>• This case type requires making inquiries about the respondent’s situation, incapacity, and general circumstances.</li><li>• The Court Visitor can anticipate interviewing the respondent, the proposed guardian, medical professionals and caregivers, and other service providers.</li><li>• The timeframes in Circumstance cases are generally longer – typically 6-8 weeks for the assignment.</li></ul>
Well-Being	<ul style="list-style-type: none"><li>• The Well-Being case type is nearly identical to the Circumstance case type, except it is requested <u>after</u> guardianship is in place.</li><li>• The Court Visitor conducts a thorough investigation, making inquiries about the protected person’s current situation and general well-being.</li><li>• The Court Visitor can expect to interview the protected person, the guardian, medical professionals and caregivers, and other service providers.</li><li>• The timeframes in Well-Being cases are generally longer, typically 6-8 weeks for the assignment.</li></ul>
Audit	<ul style="list-style-type: none"><li>• This case type focuses on reviewing the records to ensure the protected person’s finances and property are being appropriately managed.</li><li>• The Court Visitor can expect to review a wide variety of records, such as annual financial reports, status reports, and bank statements.</li><li>• The timeframes in Audit cases vary, but typically range between 4-8 weeks for the assignment.</li></ul>
Whereabouts	<ul style="list-style-type: none"><li>• These assignments often come about because the court has lost contact with the guardian. In many cases, the guardian has not filed the required annual reports, or the reports are often incorrect, incomplete, or late.</li><li>• The Court Visitor can expect to conduct a search of different records and databases to obtain up-to-date contact information for the guardian.</li><li>• The Court Visitor will also provide education to the guardian on reporting requirements, and information and resources for completing reports accurately and on time.</li><li>• The timeframes in Whereabouts cases are moderate – typically 4 weeks for the assignment.</li></ul>



# Administrative Office of the Courts

Chief Justice Matthew B. Durrant  
Utah Supreme Court  
Chair, Utah Judicial Council

August 5, 2021

Ronald B. Gordon, Jr.  
State Court Administrator  
Catherine J. Dupont  
Deputy Court Administrator

## MEMORANDUM

**TO:** District Court Judges and Judicial Staff

**FROM:** Shonna Thomas, GRAMP Program Coordinator

**RE:** Court Visitor Program – Extended Timeframes

---

The Court Visitor Program, under the Guardianship Reporting and Monitoring Program (GRAMP), delivers a required and essential service to the courts in monitoring guardianships and conservatorships, providing information to judges when respondents are unable to attend hearings, auditing records, tracking down missing guardians, and investigating the circumstances and well-being of protected persons. A Court Visitor is statutorily required, per Utah Code §75-5-303, 75-5-306, 75-5-312.

Since its inception in 2012, volunteer Court Visitors have been a reliable resource for judges in guardianship and conservatorship proceedings. The Court Visitor Program has strived to perform its responsibilities efficiently, effectively, and in a timely manner. However, an ongoing lack of resources, coupled with an increase in guardianship and conservatorship filings, has placed undue strain on the limited means afforded to the program, which may negatively affect how the program functions in the future, if changes are not enacted.

Therefore, in order to continue providing this valuable service at the level the court has come to expect, the Court Visitor Program will be extending the timeframes for cases, effective **August 1, 2021**. These new timeframes are based on data showing a regular need to extend deadlines on in-progress cases. The table below shows the new timeframes that can be expected, once a case has been assigned to a Court Visitor.

It is anticipated that this will be a temporary measure, until such time that the Court Visitor Program has additional resources to manage the increase in guardianship cases and Court Visitor requests. However, these extended timeframes will remain in effect until further notice.

**The mission of the Utah judiciary is to provide an open, fair,  
efficient, and independent system for the advancement of justice under the law.**

The Court Visitor Program remains committed to providing neutral, unbiased, pertinent information to judges in guardianship and conservatorship proceedings, and it will continue to serve the courts to the best of its ability. We greatly appreciate your understanding, and look forward to continuing to assist on your cases.

If you have any questions or concerns, please do not hesitate to reach out.

Thank You,

Shonna Thomas, GRAMP Program Coordinator  
Administrative Office of the Courts

Email: [shonnat@utcourts.gov](mailto:shonnat@utcourts.gov)

Phone: 801-578-3925

Website: <https://www.utcourts.gov/gramp/>

### Court Visitor Program – Extended Time Frames

Case Type	Purpose	Old timeframe	New timeframe
<b>Excuse the Respondent</b>	Investigate the respondent's ability to attend the court hearing.	2-3 weeks	<b>3-4 weeks</b>
<b>Circumstances</b>	Investigate the respondent's situation, incapacity, and general circumstances.	6-8 weeks	<b>10-12 weeks</b>
<b>Well-Being</b>	Investigate the protected person's current situation and general well-being.	6-8 weeks	<b>10-12 weeks</b>
<b>Audit</b>	Review records to ensure the protected person's finances and property are being appropriately managed.	4-8 weeks	<b>6-10 weeks</b>
<b>Whereabouts</b>	Search different records and databases to obtain new contact information for guardians whose whereabouts are unknown, and provide education and resources to the guardian on their reporting responsibilities.	4 weeks	<b>6 weeks</b>

Tab 7



# FY 2022 / FY 2023 Business Case

**Agency:** Judicial Branch (Courts)

**Request Title:** Sixth District Additional Juvenile Court Judge

**Presenter:** Christopher Morgan and Judge Keisel

**Request Amount & Source:** General Fund

FY 2022 One-time	FY 2023 One-time	FY 2023 Ongoing	One-time + Ongoing
\$0	\$25,000	\$449,100	\$474,100

**Performance Improvement Specialist & Contact Information:**

Michael Drechsel 801.578.3821 michaelcd@utcourts.gov

Karl Sweeney 801.578.3889 karls@utcourts.gov

**1. What system or program is the focus of this request?**

The objective of this building block request is to obtain an additional juvenile court judge and two new judicial assistants (JAs) in the Sixth District.

**2. Summarize the current budget for this system or program. If this is a new system or program, summarize the current budget for the line item and appropriation code(s) in which this new system or program will operate.**

The Sixth District is seeking funding for a new juvenile court judge and two JAs for a variety of reasons that will be outlined in this building block request. In order to set the stage for this request it must be noted that the Sixth District is the only district in the State of Utah with just one juvenile court judge. It is also the only district with only two district court judges. In spite of the small number of judges it is an enormous district, geographically speaking. The district encompasses six counties, which means it covers more counties than any other judicial district in the State of Utah. As such, there are a variety of juvenile court dockets being heard in six different counties by one judge every month. In addition to those courtroom calendars, the juvenile court judge carries a partial district court caseload. Not only is this a challenge for the judge, it is also a challenge for the judicial assistants who have to work in both a juvenile court and district court setting.

Currently, the Sixth District is understaffed when it comes to JAs. A recent workload study indicated that there was a need for three more JAs. Nonetheless, this building block request is only asking for the standard two new JAs. If the Sixth District could obtain just one more juvenile court judge and two more JAs it would alleviate pressure in both the district and juvenile courts. It would also make the logistical challenges of court operations, in such a large and unique district, much more manageable and it would also provide the court patrons with an even more effective form of court services.

**3. What problem would be solved with additional funding? Show historical data to support and quantify problem statement.**

As mentioned above the Sixth District only has three judges, two judges for the district court and one judge for the juvenile court. All three judges have court calendars in in all six counties of the district. This requires a great deal of coordination between clerical staff, the judges, and all of the other parties who are involved in court operations. It is also a serious time commitment on the part of judges, JAs,

probation officers, and other allied agencies, because of travel<sup>1</sup> and other logistical requirements. Because of these unique challenges, all of the judges and most of the clerks have had to ask for help with their court work. The judges have always been willing to help cover for one another, which has included district court judges hearing some juvenile court cases, and the juvenile court judge hearing district court matters on a regular basis. The juvenile court judge not only covers his multiple juvenile court calendars in all six counties, he also covers a variety of district court calendars such as a specialty court in Sanpete County, a civil and domestic docket in Piute, Wayne, and Garfield Counties, as well as a domestic docket in Kane County. This ability to adapt to judicial assignments has been commendable, but it has also been challenging for the judge and for the JAs who support him.

Some of the previously mentioned challenges were evident in recent caseload studies. On May 11, 2021, a memorandum went out to the members of the Management Committee of the Judicial Council highlighting some of the recent interim weighted caseload studies that were undertaken by the Administrative Office of the Courts. Some of the findings, in the District Court Judicial Weighted Caseload and the Juvenile Court Weighted Caseload, help illustrate the need for an additional judge in the Sixth District. The memorandum also noted some of the findings in the Clerical Weighted Caseload, which clearly identified a need for additional clerical support. These empirically based justifications for additional judicial staff will be discussed in turn, by reviewing the findings of all three caseload studies.

**Judicial Weighed Caseload Findings.** According to the interim findings of the District Court Judicial Weighted Caseload, when looking at the judicial caseload as a percent of the standard, the Sixth District judges have been working at above 100% for the last four years. This resulted in an authorized need of 0.2, as it pertains to district court judges.

<b>Caseload as % of Standard</b> <i>(Total Hrs.Needed / Total Avail. Hrs.)</i>						
<b>District</b>	<b>FY16</b>	<b>FY17</b>	<b>FY18</b>	<b>FY19</b>	<b>FY21(I)</b>	<b>% Change</b>
1	79%	91%	104%	97%	100%	3%
2	91%	93%	96%	97%	94%	-3%
3	115%	117%	120%	110%	106%	-3%
4	93%	105%	108%	106%	102%	-3%
5	130%	109%	119%	117%	101%	-14%
6	99%	103%	105%	108%	108%	0%
7	72%	69%	70%	78%	77%	-1%
8	103%	111%	111%	99%	102%	3%
State	103%	106%	110%	105%	101%	-4%

<sup>1</sup> To put the travel into perspective, if the judge leaves his Manti office to travel to Kanab for court he has to drive just over 190 miles, which takes well over than 3 hours, and oftentimes requires an overnight stay.

Judicial Officers Needed (Total Hrs.Needed / Avail.Hrs. per Judicial Officer)							
District	FY16	FY17	FY18	FY19	FY21(I)	Authorized Positions (Jdg & Commis)	Difference Authorized & Needed
1	3.4	4.0	4.5	4.2	4.3	4.3	0.0
2	15.4	15.8	16.2	16.2	15.7	16.7	0.9
3	38.9	39.4	41.6	39.7	38.3	36.0	-2.3
4	13.7	15.4	16.1	15.7	15.3	15.0	-0.3
5	6.5	6.5	7.1	7.0	7.0	7.0	0.0
6	1.8	1.9	1.9	2.2	2.2	2.0	-0.2
7	2.1	2.0	2.0	2.3	2.3	3.0	0.7
8	2.8	3.1	3.1	3.0	3.1	3.0	-0.1
State	84.6	88.1	92.6	90.2	88.3	87.0	-1.3

According to the interim Juvenile Court Weighted Caseload, there appears to be a dramatic increase in the judicial caseload as a percent of the standard within the last year. The case load report indicates that in Fiscal Year (FY) 2021 the percent of the standard was 157%, which was a substantial change compared to previous years, and it was significantly higher than any other district.<sup>2</sup> In spite of the recent increase, the findings of the workload study only suggested to a judicial need of 0.6 in the juvenile court. So, considering the district court's judicial need of 0.2 and the juvenile court's judicial need of 0.6, it appears as though the Sixth District has an overall judicial need of 0.8, which is nearly a full-time judge.

Caseload as % of Standard (Total Hrs.Needed / Total Avail. Hrs.)						
District	FY16	FY17	FY18	FY19	FY21(I)	% Change
1	90%	91%	91%	67%	112%	68%
2	100%	96%	95%	89%	100%	13%
3	86%	94%	100%	82%	109%	33%
4	139%	114%	113%	84%	131%	56%
5	82%	76%	75%	65%	85%	31%
6	75%	76%	77%	61%	157%	156%
7	82%	95%	76%	57%	53%	-7%
8	93%	99%	80%	70%	77%	10%
State	96%	96%	95%	78%	105%	33%

<sup>2</sup> In a memorandum prepared for the members of the Management Committee of the Judicial Council on May 11, 2021, by the Director of Court Services, Clayson Quigley, the findings for FY 2021 were determined using different case weights than in previous years. According to Mr. Quigley, "This may result in a change in the overall numbers and this report should be treated as a draft report until the final report is prepared."

Judicial Officers Needed (Total Hrs.Needed / Avail.Hrs. per Judicial Officer)							
District	FY16	FY17	FY18	FY19	FY21(I)	Authorized Positions (Jdg & Commis)	Difference Authorized & Needed
1	1.8	1.8	1.8	1.3	2.2	2.0	-0.2
2	6.0	5.8	5.7	5.3	6.0	6.0	0.0
3	9.4	10.4	10.0	8.2	9.8	9.0	-0.8
4	6.2	6.3	5.9	4.4	6.6	5.0	-1.6
5	2.4	2.3	2.3	2.0	2.6	3.0	0.4
6	0.8	0.8	0.8	0.6	1.6	1.0	-0.6
7	1.6	1.9	1.5	1.1	1.1	2.0	0.9
8	1.9	2.0	1.6	1.4	1.5	2.0	0.5
State	30.2	31.1	29.5	24.4	31.4	30.0	-1.4

**Clerical Weighted Case Load Findings.** In the findings of the Clerical Weighted Caseload there was an identified need in the Sixth District for multiple clerks, 3.34 to be exact. This was the highest identified need out of all of the districts. It should be noted that all of the JAs in the Sixth District are cross-trained for both district and juvenile court proceedings. In addition to their broad judicial support responsibilities, the JAs cover in-court processes, front counter, phones, public work stations, and some of them regularly travel to the same court locations as the juvenile court judge to serve as the in-court clerk for contract sites such as Wayne, Piute, and Garfield Counties. Even though the numbers justify three full time clerks, as part of this building block the Sixth District is only asking for two JAs to go along with a new juvenile court judge.

#### Clerical Weighted caseload Summary Results

Fiscal Year 2021(I); Filings through 04/01/18 thru 03/31/201 3YA

Judicial District	Updated 4/12/21 Existing FTE	FTE Need	Min. Staff Adj. rounded nearest .5	Total FTE Need	FTE Difference	10% Deviation (Total FTE Need)	FTE Outside of Deviation
District 1	18.50	18.72	0.00	18.72	-0.22	1.87	
District 2	54.00	52.31	1.50	53.81	0.19	5.38	
District 2 Juvenile	15.50	14.64	0.00	14.64	0.86	1.46	
District 3	125.15	120.82	0.00	120.82	4.33	12.08	
District 3 Juvenile	30.50	25.21	1.50	26.71	3.79	2.67	1.12
District 4	44.75	50.02	0.50	50.52	-5.77	5.05	-0.72
District 4 Juvenile	16.75	14.40	2.50	16.90	-0.15	1.69	
District 5	28.00	27.07	1.00	28.07	-0.07	2.81	
District 6	7.00	10.99	0.50	11.49	-4.49	1.15	-3.34
District 7	11.00	9.04	1.50	10.54	0.46	1.05	
District 8	12.50	10.32	0.00	10.32	2.18	1.03	1.14
	363.65	353.53	9.00	362.53	1.12		-1.79

#### Other Reasons to Justify a New Judge and JAs

There are a variety of other reasons to hire a new juvenile court judge and two JAs, besides those already discussed. One reason is a rise in child welfare cases over the last several years, which will be discussed below. The other reasons have been identified by management and judges within the Sixth District and will be noted in a list form, in no particular order, later in this document.



**Increase in Child Welfare Cases.** In addition to the various workload studies mentioned above, there is another compelling reason to add another juvenile court judge and two JAs to the Sixth District team, and that is the dramatic increase in child welfare cases. Over the course of the last six years the annual total of child welfare cases has gone up from 103 cases to 288 cases, which is a 180% increase. The rise in cases has been steady; except for the time between FY 2018 and FY 2019, where there was only a slight decrease.

	FY 16	FY 17	FY 18	FY 19	FY 20	Partial FY 21	Total
<b>Kanab</b>	<b>15</b>	<b>28</b>	<b>19</b>	<b>21</b>	<b>15</b>	<b>39</b>	<b>137</b>
Adoptions		1	4			1	6
Child Welfare Proceedings	11	24	8	21	15	28	107
Termination of Parental Rights	2	2	4			5	13
Voluntary Relinquishment	2	1	3			5	11
<b>Manti</b>	<b>42</b>	<b>50</b>	<b>68</b>	<b>61</b>	<b>99</b>	<b>95</b>	<b>415</b>
Adoptions	6	2	9	8	5	13	43
Child Welfare Proceedings	32	40	41	50	69	45	277
Termination of Parental Rights		4	8	1	9	21	43
Voluntary Relinquishment	4	4	10	2	16	16	52
<b>Richfield</b>	<b>46</b>	<b>34</b>	<b>63</b>	<b>58</b>	<b>111</b>	<b>154</b>	<b>466</b>
Adoptions	3	1	1	8	5	12	30
Child Welfare Proceedings	33	29	56	38	90	76	322
Termination of Parental Rights	6	2	2	7	2	45	64
Voluntary Relinquishment	4	2	4	5	14	21	50
<b>Total</b>	<b>103</b>	<b>112</b>	<b>150</b>	<b>140</b>	<b>225</b>	<b>288</b>	<b>1018</b>

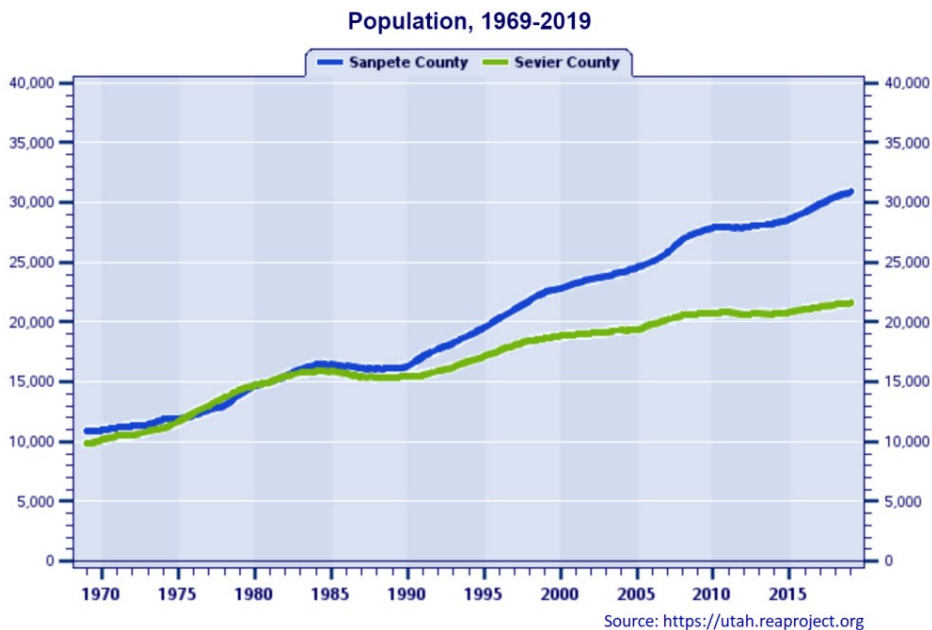
Data provided by the Juvenile Court Data Analyst on 06/17/2021

There is no single reason as to why this increase has occurred, but one of the factors is the increase in assistant attorney generals (AG) filing cases in the counties of the Sixth District. In FY 2016 there was only one AG filling cases in the district, however, there are now four AGs filling cases throughout the district. This has placed a burden on the clerks, especially when it comes to scheduling hearings. It has also placed a burden on the judge because this increase in cases has led to long days in court. There have been times when team meetings have started at 7:30 AM, so that court could begin at 8AM, and there have been times when the juvenile court docket has continued well past 5 PM. These types of long days can be taxing on the judge, as well as on the clerks.

**Additional Reasons and Concerns.** There have been a variety of other reasons as to why it would be important to have another juvenile court judge. Some are based on current issues, while others are based on anticipated problems. Some of the concerns, which are noted below, are related to the district court and have been included because any impact on the district court also impacts the juvenile court, since the JAs are shared by both courts and because the juvenile court judge carries a partial district court caseload. This list of concerns is not exhaustive, and it is not in any particular order, but it is as follows:

- The Sixth District is impacted greatly when they are short one judge, more so than any other district. In the larger districts the workload of a vacant judicial position can be covered by multiple judges. In the Sixth District that casework can only be redistributed between two judges.
- The Sixth District is one of only two districts in Utah with a prison within its borders, and those court filings end up in Sanpete County. Many of the initial appearances on the law and motion calendar in Manti originate from the prison. Recently, the Sanpete County Attorney's Office hired a new prosecutor to handle cases from the prison.
- When the current Sixth District's presiding district court judge began his service, he states that there were routinely only around 32 cases on a law and motion calendar. Today it is not uncommon to see more than 100 on the court docket.

- The Sanpete County Attorney's Office is in the process of hiring a new prosecutor and Sevier County is in the process of hiring three new public defenders, which is possibly a sign of an increase in court cases, or at least an increase in court interaction.
- All three judges, and several of the clerks, have spent countless hours on the road, traveling to various court sites and attending training across the state. Granted, video meeting technology has helped with these issues.
- If the Emerging Adult Initiative passes the state legislature, it would likely increase the juvenile court caseload. Snow College has two campuses, both of which are in the district's two busiest counties (Sanpete and Sevier). In just the last year alone Snow College has seen a 7.7% increase in student enrollment.
- Defense counsel have expressed, appropriately, their frustration with not being able to find available court dates for statutorily required dates such as permanency hearings, termination hearings, etc.
- Due in part to their busy schedules, the judges in the Sixth District rely heavily on justice court judges to approve nearly all probable cause statements.
- Population growth continues to increase. The majority of cases in the Sixth District come out of Sanpete and Sevier Counties. Over the last several years those two counties have seen continued growth (see chart). Sanpete County is growing at a faster rate, due in part to the record setting pace of growth that is being experienced along the Wasatch Front, which can overflow into the county. It is anticipated that growth will continue in both counties.



#### 4. What has been done to solve this problem with existing resources? What were the results?

- Covering for one another. The district court judges and the juvenile court judge cover cases and dockets for one another. They reassess the coverage situation, from time to time, to determine if the division of labor is effective and fair.
- Using video technology. The pandemic-related increase in the use of Webex video hearings has worked out well. It is anticipated that the use of this technology will continue, to one degree or another, in order to cut down on drive time.
- Paper reviews. As a result of the pandemic there has been an increase in the use of paper reviews in the juvenile court, on the part of probation officers and detention staff. This too will likely continue, to one degree or another.
- Streamline calendars. The judges and JAs continually juggle their calendars and find ways to streamline each individual calendar.
- Outside help. On occasion judges will rely on help from judges in other districts, as well as senior judges.

**5. How will new funding be utilized? What operational changes will be made to maximize new resources? Also, please summarize any legislation needed in conjunction with this incremental budget change request.**

- **Cost detail of requested amount:**

Ongoing Expenses for New Judge	Cost
Judge	\$ 279,700
2 JAs (75,800 each)	\$151,600
Travel (Travel and vehicle lease)	\$7,300
Current Expenses	\$6,000
Data Processing	\$4,500
<b>Total</b>	<b>\$449,100</b>

One Time Expenses for New Judge	Cost
New Chambers (Converted jury room)	\$ 10,000
Office Furniture and Shelving	\$15,000
<b>Total</b>	<b>\$25,000</b>

- **Plan for funding use**
  - Court specialization. A new judge would allow district court judges to focus their attention on district court cases, and allow juvenile court judges to devote their time to juvenile court cases.
  - Caseload equitability. Additional funding would provide an opportunity to divide up the juvenile court caseload equitably.
  - A family specialty court. With a new judge and additional JAs, the juvenile court could explore the option of developing a family specialty court, which would fit in well with the strengths of a rural district, by giving additional support to families and individuals that are seen in both district and juvenile court settings.

- Allow managers to manage. If new JAs are approved, team managers could spend more time in supervising, training, and developing JAs, rather than having to devote a significant portion of their time to JA-related tasks.

**6. What are the anticipated results or outcomes of how the new funding will be utilized? What measure(s), including quality, throughput, and costs, will be used to track the change over time? Is data currently available to support these measures?**

- Reduced caseloads. With an additional juvenile court judge the average caseload would be reduced by half.
- Reduced timelines. With an extra judge timelines, such as time to disposition and case closure rates, would most likely decrease. This could be achieved by offering additional court times in all counties. Currently, the juvenile court judge only hears juvenile court cases once per month, in four of the six counties. Those court dates could double, if needed.
- Increased tracking. Once the new judge is in place, the trial court executive and the clerk of court will work closely with the presiding judge and the bench to determine if the anticipated expectations are being met.
- A sense of relief. An additional judge has been something that the Sixth District has needed for years. If an additional judge and JAs are approved there will be a great sense of relief felt across the entire district.

**7. What are potential negative effects if the funding is not received?**

- Both district court judges and the juvenile court judge will have to continue to cover for one another, and reassess the way that they have divided-up their work.
- Increased reliance on judges from other districts, as well as senior judges.
- The Sixth District would have to submit a separate building block request for additional JAs.
- Cases would not be heard in a timely manner.
- Increase in burnout, work-related fatigue, and frustration.
- Some court patrons may feel the negative effects of delayed justice.

Tab 8



## FY 2022 / FY 2023 Business Case

**Agency:** Judicial Branch (Courts)  
**Request Title:** 3<sup>rd</sup> District New Criminal Commissioners  
**Presenter:** Judge Mark Kouris  
**Requested Amount & Source:** General Fund

FY 2022 One-time	FY 2023 One-time	FY 2023 Ongoing	Total Request
\$0	\$0	\$584,000	\$584,000

**Performance Improvement Specialist & Contact Information:**

Michael Drechsel 801.578.3821 michaelcd@utcourts.gov  
Karl Sweeney 801.578.3889 karls@utcourts.gov

**1. What system or program is the focus of this request?**

The most recent data indicates that the Third District is understaffed by 2.3 judicial officers (3.7 judicial officers - if using more realistic pre-Covid numbers). In recent years, the Council added 1 new position and planned to add 2 new judicial positions to complete the process. Covid halted everything. Luckily, Covid also reduced caseloads and the generous assistance of the Juvenile Bench kept us afloat.

The Third District is still in need of 2 judicial officers. The most direct and effective use of new help, involves the First Appearance Court and warrant duties. And, instead of adding 2 new judges, 2 Criminal Commissioners would be a superior financial and operations fit.

**2. Summarize the current budget for this system or program. If this is a new system or program, summarize the current budget for the line item and appropriation code(s) in which this new system or program will operate.**

Currently in The Third District, the 28 West Jordan and Salt Lake judges are assigned one rotating week where, during that week, they: preside over the First Appearance Court (FAC); sign search warrants; sign arrest warrants; make detain/release decisions for newly arrested defendants; and determine whether to issue protective orders and civil stalking applications. With the current number of judges, each judge serves this assignment approximately 2-times per year.

Clearing items from a judge's calendar provides more court days for attorneys and litigants to set matters and to provide quicker hearing and trial sets. By adding 2 more judges to the Third District, every judge's caseload is reduced by 1/32.5. This reduction results in adding 1.6 weeks to each judge's calendar ( $1/32.5 \times 52$  (weeks) = 1.6 weeks). Alternatively, hiring Criminal Commissioners to eliminate each judge's rotation on the FAC/signing duties, adds approximately 1.86 weeks to each judge's calendar ( $52 \text{ weeks} / 28 \text{ judges} = 1.86 \text{ weeks}$ ). In total, Criminal Commissioners add approximately 2 extra days to each judge's calendar when compared to adding additional judges.

Although saving each judge 2 days is less than significant, the cost differential is not. The total annual total compensation for a District Court Judge is \$294K. With each judge, two judicial assistants must be hired, each at an annual cost of \$69.5K. In total, hiring 2 new judges for the Third District costs \$866K per year. ( $(\$294 \times 2) + (\$69.5 \times 4)$ ).

Criminal Commissioners will receive the same compensation as our Domestic Commissioners. That is \$222.5K in total annual compensation. Much of the FAC and warrant staff is already in position, so each commissioner would only need 1 judicial assistant costing \$69.5K. Therefore, the annual total

cost of the commissioners would be \$584K per year  $((\$222.5 \times 2) + (\$69.5 \times 2))$ .

In comparing the 2 options, the Criminal Commissioners add more time to the current judge's calendar and do it at a \$282K annual savings. They would also join the line-up for overnight warrants, decrease the number of times per year a judge would have the nighttime duty.

Finally, hiring Criminal Commissioners, or "specialists", would safeguard the constitutional rights of defendants and the safety of our community. (Discussed below).

**3. What problem would be solved with additional funding? Show historical data to support and quantify problem statement.**

As referenced above, the Third District is 2.3 judges short of their full caseloads (3.7 judges using pre-Covid numbers). This funding will finally bring the Third District in line with our colleagues around the state.

As well, Criminal Commissioners will help the Third District realize another very important goal. The FAC in the Matheson Courthouse represents the highest volume court in the state with 10,000 – 13,000 defendants traveling through every year. This volume accentuates the import of courts being a place of predictable and consistent results for attorneys and their clients.

As currently constituted, 28 Third District court judge's weekly cycle through the FAC and signing duties. By the end each judge's weekly assignment, the judge begins to establish a rhythm and flow of the court, only to have their week end and a new judge to begin again. And, of these judges, 6 judges have exclusively civil calendars, with the FAC week being their only foray into criminal law. The rest of the bench is comprised of 12 judges who have calendars with half-criminal and half-civil, and the remaining 10 judges who have exclusively criminal calendars.

With the differences in judicial philosophies and criminal expertise, unpredictable results are predictable and are happening. Amplifying the problem is that important decisions are made at this juncture of criminal process. Deciding whether a person is detained or released, for potentially the lengthy pendency of the case, may cause that person to lose their job or house. And statistically, holding a low-level offender, just until their assigned judge can see and release them, increases their chance of returning to jail.

Also, issuing no-contact orders or requiring defendants to wear an ankle monitor, will either help to keep victims safe or may damage a family or relationship, by cutting off communication or placing the family in financial peril.

Criminal Commissioners, under the direction of the Third District bench, over time will see all of the repeated permutations and combinations of the FAC calendar. And the same person, will make the release/hold decisions for the jail and issue the arrest warrants, will be equipped to make informed detention decisions at the FAC, as that will not be the first time they will see the case. In short order, the result of detention hearings and orders of protection in the busiest court in the state will be handled in a consistent and predictable manner as the Commissioners become experts. And, the fluid state of bail reform in Utah should be in the hands of an expert.

**4. What has been done to solve this problem with existing resources? What were the results?**

Please see above.

**5. How will new funding be utilized? What operational changes will be made to maximize new resources? Also, please summarize any legislation needed in conjunction with this incremental budget change request.**

Please see above.

**6. What are the anticipated results or outcomes of how the new funding will be utilized? What measure(s), including quality, throughput, and costs, will be used to track the change over time? Is data currently available to support these measures?**

Please see above.

**7. What are potential negative effects if the funding is not received?**

Please see above.