## Summary of Recommendations - Senate

## Page IV-22 David Slayton, Administrative Director Darren Albrecht, LBB Analyst

	2018-19	2020-21	Biennial	Biennial
Method of Financing	Base	Recommended	Change (\$)	Change (%)
General Revenue Funds	\$38,029,989	\$30,328,189	(\$7,701,800)	(20.3%)
GR Dedicated Funds	\$103,730,402	\$123,899,172	\$20,168,770	19.4%
Total GR-Related Funds	\$141,760,391	\$154,227,361	\$12,466,970	8.8%
Federal Funds	\$499,984	\$O	(\$499,984)	(100.0%)
Other	\$13,065,880	\$11,924,381	(\$1,141,499)	(8.7%)
All Funds	\$155,326,255	\$166,151,742	\$10,825,487	7.0%

	FY 2019	FY 2021	Biennial	Percent
	Budgeted	Recommended	Change	Change
FTEs	236.6	236.6	0.0	0.0%

## Agency Budget and Policy Issues and/or Highlights

The Office of Court Administration (OCA) is under Strategic Fiscal Review (SFR) for the Eighty-sixth Legislative Session. The 2020-21 recommendations for OCA incorporate the SFR findings.

## **Historical Funding Levels (Millions)**



## Historical Full-Time-Equivalent Employees (FTEs)



The bill pattern for this agency (2020-21 Recommended) represents an estimated 100% of the agency's estimated total available funds for the 2020-21 biennium.

Section 1

## Office of Court Administration, Texas Judicial Council Strategic Fiscal Review Program Summary - Senate

## Office of Court Administration, Texas Judicial Council

To provide resources an support to trial, appellate, and specialty courts, and to regulatory boards and policy making bodies; and to provide information about the judicial branch to the legislative and executive branches, the judiciary, and the public.

		Mission Centrality/Authority							
ut the			Centrality	y	► ►				
		1		1%	98%				
				<1%					
		Authority							
		Percent	GR-R	elated		2020-21			
-19 Base	2020-21	Change fro	m Percen	tage of	Age	ncy Total			
Funding	Recommendations	Base	Rec.	Total		Request			

						Percent	GR-Related	2020-21
				2018-19 Base Funding	2020-21 Recommendations	Change from Base	Percentage of Rec. Total	Agency Total Request
				Tonang	Recommendations	Duse	Rec. I Viui	Keyvesi
Total								
Budget			Agency					
 100%	Budget, Ordered by Mission Centrality and Authority	Strategy	Ranking	\$155,326,255	\$166,151,742	7%	<b>93</b> %	\$250,192,885
 \	Statewide eCitation System		21	\$164,933	\$0	-100%	0%	\$0
	Price of Justice Grant		18	\$499,984	\$0	-100%	0%	\$0
		1.1.1 Court Administration						
	Indirect Administration <sup>1</sup>	1.1.2 Information Technology	1	\$11,668,090	\$11,277,981	-3%	94%	\$11,277,981
		1.1.1 Court Administration						
93%	Guardianship Compliance Program <sup>2</sup>	1.1.2 Information Technology	5	\$660,770	\$754,083	14%	100%	\$5,708,617
93%	Docket Equalization	1.1.4 Docket Equalization	22	\$10,000	\$0	-100%	0%	\$10,000
93%	TIDC Innocence Projects	4.1.1 Tx Indigent Defense Comm	20	\$1,200,000	\$1,200,000	0%	100%	\$1,200,000
92%	Collection Improvement Program	1.1.1 Court Administration	19	\$619,110	\$525,340	-15%	100%	\$525,340
92%	TIDC Distrib. to Co. Implementing Cost Containment Initiatives	4.1.1 Tx Indigent Defense Comm	17	\$5,040,898	\$5,040,898	0%	100%	\$5,040,898
89%	Court Improvement Program (CIP) Technology Project	1.1.2 Information Technology	16	\$412,548	\$412,768	0%	0%	\$412,768
88%	Texas Forensic Science Commission	1.1.3 Texas Forensic Science Comm	15	\$1,236,000	\$1,236,000	0%	100%	\$1,427,800
88%	TIDC Discretionary Grants	4.1.1 Tx Indigent Defense Comm	14	\$11,332,249	\$26,203,841	131%	100%	\$57,506,825
72%	TIDC Formula Grants	4.1.1 Tx Indigent Defense Comm	13	\$46,532,589	\$49,660,997	7%	100%	\$56,060,997
42%	TIDC Administration	4.1.1 Tx Indigent Defense Comm	12	\$2,329,976	\$2,329,976	0%	100%	\$2,992,856
41%	Language Access	1.1.1 Court Administration	11	\$283,035	\$289,958	2%	100%	\$289,958
		1.1.1 Court Administration						
40%	Court Consulting Services	1.1.2 Information Technology	10	\$295,331	\$147,868	-50%	95%	\$660,348
40%	Judicial Branch Certification Commission	3.1.1 Judicial Branch Cert. Comm	9	\$1,226,460	\$1,222,858	-0%	90%	\$1,222,858
40%	Statewide Judicial Technology Projects	1.1.2 Information Technology	8	\$688,415	\$0	-100%	0%	\$8,689,698
40%	Statewide Electronic Filing System	1.1.2 Information Technology	7	\$44,036,275	\$39,201,660	-11%	100%	\$36,034,992
		1.1.1 Court Administration						
16%	Court Security and Emergency Preparedness	1.1.2 Information Technology	6	\$185,952	\$186,004	0%	100%	\$562,350

## Office of Court Administration, Texas Judicial Council Strategic Fiscal Review Program Summary - Senate

#### Office of Court Administration, Texas Judicial Council

To provide resources an support to trial, appellate, and specialty courts, and to regulatory boards and policy making bodies; and to provide information about the judicial branch to the legislative and executive branches, the judiciary, and the public.

Mission Centrality/Authority									
	Centrality								
		1%	98%						
		<1%							
Authority									

Section 1a

				2018-19 Base Funding	2020-21 C Recommendations	Percent Change from Base	GR-Related Percentage of Rec. Total	2020-21 Agency Total Request
Total Budget			Agency					
100%	Budget, Ordered by Mission Centrality and Authority	Strategy	Agency Ranking	\$155,326,255	\$166,151,742	7%	<b>93</b> %	\$250,192,885
16%	Child Support Courts	2.1.1 Child Support Courts Program	4	\$16,017,178	\$16,017,178	0%	34%	\$16,017,178
		1.1.2 Information Technology						
		2.1.1 Child Support Courts Program						
6%	Child Protection Courts	2.1.2 Child Protection Courts Program	3	\$9,238,230	\$8,896,994	-4%	99%	\$13,152,923
<1%	Judicial Information	1.1.1 Court Administration	2	\$1,648,232	\$1,547,338	-6%	100%	\$1,747,338

Note:

1. Indirect administration program names are italicized, and not included in the Mission Centrality / Authority Matrix.

2. The Guardianship Compliance Program is funded in the 2020-21 biennium with \$5.7 million; appropriation amounts in Senate Bill 1 will be adjusted accordingly.

## Office of Court Administration, Texas Judicial Council Summary of Funding Changes and Recommendations - Senate

Funding Changes and Recommendations for the 2020-21 Biennium compared to the 2018-19 Base Spending Level (in millions)		General Revenue	GR-Dedicated	Federal Funds	Other Funds	All Funds	Strategy in Appendix A	Detail in SFR Appendix 5		
SIGNIFICANT Funding Changes and Recommendations (each issue is explained in Section 3 and additional details are provided in Appendix A and SFR Appendices, when applicable):										
A)	GR-D Fair Defense Account No. 5073 for discretionary grants to counties to develop and sustain public defender and managed systems, due to the enactment of SB 2053.	\$0.0	\$18.0	\$0.0	\$0.0	\$18.0	D.1.1	Appendix 5n		
B)	Decrease in GR offset by an increase in GR-D Fair Defense Account No. 5073 due to an anticipated increase in the fund balance.	(\$7.5)	\$7.5	\$0.0	\$0.0	\$0.0	D.1.1	Appendix 5m		
C)	GR-D Statewide Electronic Filing System Account No. 5157 for the Statewide Electronic Filing System program.	\$0.0	(\$5.6)	\$0.0	\$0.0	(\$5.6)	A.1.2	Appendix 5g		
D)	Decrease in GR offset by an increase in GR-D Forensic Science Commission Account No. 5173 due to an increase in the fund balance.	(\$0.2)	\$0.2	\$0.0	\$0.0	\$0.0	A.1.3	Appendix 5o		
0	THER Funding Changes and Recommendations (these issues are not addressed in Se	ection 3 but det	ails are provided	in Appendix A	and SFR append	ices, when appli	cable):			
E)	Expiration of the 2018-19 Price of Justice Federal Grant.	\$0.0	\$0.0	(\$0.5)	\$0.0	(\$0.5)	B.1.1	Appendix 5r		
F)	Decrease in Appropriated Receipts due to anticipated revenue reductions from third party reimbursements for IT equipment.	\$0.0	\$0.0	\$0.0	(\$0.4)	(\$0.4)	B.1.1	Appendix 5a		
G)	Decrease in Interagency Contracts due to the cancellation of the eCitation grant and the reduction in funding from the Supreme Courts' Children's Commission to fund the Dallas Permanent Managing Conservatorship Court.	\$0.0	\$0.0	\$0.0	(\$0.7)	(\$0. <i>7</i> )	A.1.1, B.1.1, B.1.2	Appendices 5a, 5b, 5c		
т	OTAL SIGNIFICANT & OTHER Funding Changes and Recommendations (in	(\$7.7)	\$20.1	(\$0.5)	(\$1.1)	\$10.8	As Listed	As Listed		
	SIGNIFICANT & OTHER Funding Increases	\$0.0	\$25.7	\$0.0	\$0.0	\$18.0	As Listed	As Listed		
	SIGNIFICANT & OTHER Funding Decreases	(\$7.7)	(\$5.6)	(\$0.5)	(\$1.1)	(\$7.2)	As Listed	As Listed		

## Office of Court Administration, Texas Judicial Council Selected Fiscal and Policy Issues - Senate

- 1. Strategic Fiscal Review. The agency is undergoing a Strategic Fiscal Review in fiscal year 2019, the findings of which informed budget recommendations for the Eighty-sixth Legislative session. Significant observations and considerations include:
  - a) Regarding the 21 agency programs reviewed under the SFR, most are within statutory requirements and/or authorizations (see Section 1a and SFR Appendices 1 and 3 for additional details). The assessment of mission centrality and authority highlights that the Office of Court Administration (OCA) operates one program, Guardianship Compliance Program, with moderate statutory authority and moderate mission centrality. The agency ranks this program number 5 out of 20 (excluding Indirect Administration, which the agency ranks as number 1).
  - b) Recommended 2020-21 General Revenue Funds (\$30.3 million) constitute 18.3 percent of the recommended All Funds (\$166.2 million) budgeted amount. Of this amount, \$1.2 million, or 4.0 percent, is appropriated for the Judicial Branch Certification Commission from fee-generated General Revenue.
  - c) Recommended 2020-21 estimated GR-Dedicated Funds (\$123.9 million) constitute 74.6 percent of the available funds. OCA's budget includes three GR-Dedicated accounts. GR-Dedicated Statewide Electronic Filing System Account No. 5157 funding (\$44.7 million) is generated from filing fees for civil cases in county-level, district, and appellate courts and the account is not counted toward certification by the Comptroller of Public Accounts. Recommendations include funding for required payments for the Statewide Electronic Filing System vendor contract totaling \$39.2 million.
  - d) Recommendations provide \$5.7 million in All Funds with 34.3 FTEs for the Guardianship Compliance Program to assist courts with reviewing and auditing guardianship filings for the elderly and incapacitated near levels appropriated by the Eighty-fifth Legislature. The Governor's Veto Proclamation removed all funding for this program in 2018-19 (\$5.0 million in General Revenue and 31.0 FTEs); however, the agency re-allocated funding from other programs to continue funding and FTEs for guardianship compliance near 2016-17 funding levels for the related pilot project.
  - e) Recommendations provide \$84.4 million in GR-Dedicated Fair Defense Account No. 5073 (GR-D 5073), an increase of \$25.5 million above 2018-19 spending levels from this method of financing for the Texas Indigent Defense Commission (TIDC). In addition to including a method of finance swap replacing \$7.5 million in General Revenue with available GR-D 5073, recommendations increase total program funding by \$18.0 million due to the enactment of Senate Bill 2053, Eight-fifth Legislature, Regular Session. This significantly increased the percentage of the consolidated court costs allocated to the fund in compliance with the Texas Court of Criminal Appeals decision in Salinas vs State, which resulted in balances accruing in the fund during the 2018-19 biennium.
- 2. Guardianship Compliance Program. Recommendations provide \$5.7 million in General Revenue and 34.3 FTEs to establish a statewide program to assist courts with reviewing and auditing guardianship filings for the elderly and incapacitated persons. This is an increase of \$5.0 million and 28.0 FTEs over 2018-19 spending levels. The agency's bill pattern in the introduced bill does not reflect the additional General Revenue which will be added as a technical correction. This program would have been established in statute with the enactment of Senate Bill 667, Eighty-fifth Legislature, Regular Session. The legislation and appropriations of \$5.0 million in General Revenue and 31.0 FTEs were vetoed by the Governor. The Governor's Veto Proclamation stated a new state compliance and reporting structure for guardians would include unnecessary bureaucracy and spending. However, the agency continued similar efforts in 2018-19 with \$0.7 million in funding and 6.3 FTEs it re-allocated from existing programs after the veto.

The legal authority cited by the agency to continue the program include Government Code Sec. 71.031, which allows the Texas Judicial Council to "continuously study the organization, rules, procedures and practice, work accomplished, results, and uniformity of the discretionary powers of the state courts"; Government Code Sec. 71.023, which allows the director of the OCA to assist justices and judges in their administrative duties; and Government Code Sec. 71.024, which allows the director of the OCA to "examine the judicial dockets, procedures, practices, and procedures" and "administrative and business methods or systems" within the courts.

The agency initiated the Guardianship Compliance Pilot Project in November 2015 from a recommendation by the Texas Judicial Council and has revealed significant issues with guardian compliance with statutory requirements and financial exploitation. The agency reports that the number of guardianships in the State exceed 51,250 and that more than 20,000 of this amount are in courts without sufficient resources to review guardianship reports. The agency's initial review process in 27 counties found that out of 6,376 active guardianship cases identified, 2,702 were out of compliance with required reporting.

Section 3

3. Texas Indigent Defense Commission (TIDC) Funding. Recommendations provide \$84.4 million in General Revenue-Dedicated Fair Defense Account No. 5073 (GR-D Fund 5073) funding, which is an increase of \$25.5 million over 2018-19 spending levels to provide an additional \$18.0 million for financial and technical support through discretionary grants to counties to develop and maintain indigent defense systems that meet the needs of local communities as well as the Constitution and state law. The total increase also includes a method of finance swap replacing \$7.5 million in General Revenue with available GR-D Fund 5073 and continues Innocence Projects funding at 2018-19 levels totaling \$1.2 million through six state universities.

TIDC programs include Administration, which supports the Commission's staff and internal processes; Formula Grants, which provides grants to all Texas counties for indigent defense; Discretionary Grants, which provides competitive grants to counties for programs that improve indigent defense; Cost Containment Initiative, which provides grants to counties who implement cost containment programs; and Innocence Projects, which provides an equal appropriation each year to six law schools to fund innocence projects. The graph below shows how appropriations are allocated to each program within the Commission (See also, Strategic Fiscal Review Appendix - Senate 51, 5m, 5n, 5q, 5t).



Revenue deposits to GR-D Fund 5073 have increased due to the enactment of Senate Bill 2053, Eighty-fifth Legislature, Regular Session, which increased the percentage of the consolidated court costs allocated to the fund from 8.0143 percent to 17.8448 percent to comply with the Texas Court of Criminal Appeals decision in Salinas v. State, which held that consolidated court costs could not be allocated to non-criminal purposes such as the Abused Children's Counseling Account and the Comprehensive Rehabilitation Account. The OCA estimates \$34.3 million in court cost revenue to be deposited in fiscal year 2018 (\$10.5 million over fiscal year 2017 collections) and \$32.9 million in fiscal year 2021 (\$9.1 million over fiscal year 2017) as consolidated court cost revenue is anticipated to continue to decline. Recommendations provide \$9.0 million each year based on agency estimates to provide for more consistent funding over time beyond the 2020-21 biennium. Recommendations do not provide estimated appropriations authority and \$26.1 million in GR-D Fund 5073 funding (See also, Items Not Included in Recommendations – Senate #9).



The costs to provide indigent defense services are met through a combination of state and local funding, with counties absorbing a majority of these costs. The chart below shows a breakdown of indigent defense expended and budgeted amounts from fiscal years 2011 to 2019 with projections for each year in the 2020-21 biennium.

4. Statewide Electronic Filing System No. 5157. Recommendations provide \$39.2 million in General Revenue-Dedicated Statewide Electronic Filing System Account No. 5157 (GR-D Fund 5157) to fulfill Statewide Electronic Filing System vendor contract payments, which is a decrease of \$5.5 million below 2018-19 vendor contract payment levels. GR-D Fund 5157 is not counted towards certification by the Comptroller of Public Accounts. This fund was established to provide support for a statewide electronic filing system for the courts, to provide grants to counties to implement components of the system, and to support court technology projects that have a statewide impact as determined by the agency.

The contract to build and maintain the Statewide Electronic Filing System was awarded to Tyler Technologies in November 2012 after a competitive bidding process for \$144.1 million over nine years. The agency experienced difficulties in the past paying invoices related to the contract on time due to the unreliable nature of the revenues deposited to GR-D Fund 5157. The enactment of Senate Bill 1139, Eighty-fourth Legislature, Regular Session, increased the filing fee for civil cases in county-level, district, and appellate courts from \$20 to \$30 to compensate for reductions in e-filing revenues (See also, Selected Fiscal Review Appendix – Senate 5g). The agency reports that in the 2018-19 biennium it has been able to promptly pay contract invoices on time.

Alternate funding options for the \$5.5 million remaining above vendor required contract payments include:

- Allocate funding towards other technology needs within existing programs, including upgrading the case management system for the Child Support Courts, providing technology support in counties where interpreter services are needed in the Language Access program, and/or support the Court Improvement Program Technology project if the funding provided through IAC by the Supreme Courts' Children's Commission is reduced or eliminated, and/or fund any other statewide judicial technology projects the agency may identify
- 2) Allocate funding to offset a portion of the total cost of the Statewide Case Management System requested by the agency in the 2020-21 biennium (See also, Items Not Included in Recommendations Senate #4).

Section 3

- 5. **Texas Forensic Science Commission.** Recommendations provide \$1.2 million in All Funds which continues 2018-19 spending levels and includes \$0.9 million in General Revenue and \$0.3 million in General Revenue-Dedicated Texas Forensic Science Commission Account No. 5173 (GR-D Fund 5173) funding to administer the Texas Forensic Science Commission. GR-D Fund 5173 was established to collect fees for the issuance or renewal of forensic analyst certifications by the enactment of Senate Bill 298, Eighty-fifth Legislature, Regular Session, which required all forensic analysts to be certified by January 1, 2019. The agency anticipates the balance of GR-D Fund 5173 to increase by \$76,800 is fiscal year 2020 and by \$115,000 in fiscal year 2021, for a total of \$191,800 over the biennium. Recommendations reduce General Revenue by \$191,800 and increase GR-D Fund 5173 by \$191,800 and provide unobligated and unexpended balance authority within the 2020-21 biennium (See also, Selected Fiscal Review Appendix Senate 50). Recommendations do not include granting the agency estimated appropriation authority from GR-D Fund 5173 (See also, Items Not Included In Recommendations Senate #6 and 7).
- 6. Docket Equalization. Recommendations include transferring the Docket Equalization Program and \$10,000 in General Revenue appropriations to the Judiciary Section, Comptrollers Department in the 2020-21 biennium. The program pays for travel expenses incurred by appellate justices and their staff who travel to hear cases transferred to them for disposition by the Supreme Court of Texas with OCA staff processing the travel claims in accordance with state travel regulations. Recommendations transfer program responsibilities for processing these travel claims to the Judiciary Section, Comptroller's Department because these obligations align closer to the accounting functions of the Judiciary Section.
- 7. Executive Director Salary. The salary cap for the Administrative Director exempt position was increased from \$171,216 to \$196,800 beginning on October 1, 2018. Sec 8, Schedule of Exempt Positions, in the Special Provisions-Judiciary, authorizes the Chief Justice of the Supreme Court of Texas to set the salary for the Administrative Director of the Office of Court Administration in an amount within the salary group for the position. Written approval was provided to the Governor's Office, the Legislative Budget Board, and the Comptroller of Public Accounts, in alignment with the provision on September 17, 2018.

Section 3

## Office of Court Administration, Texas Judicial Council Contracting Highlights - Senate

As of 8/31/2018, the Office of Court Administration, Texas Judicial Council had 19 active procurement contracts valued at \$3.7 million and 1 revenue generating contract valued at \$144 million.

## Summary of Contracts Awarded in Fiscal Years 2017-2018 and Reported to LBB Contracts Database<sup>1</sup>

(Dollar values rounded to the nearest tenth of a million)

	Number	Total	Value	Average	Value	% of total
Procurement Contracts	28	\$	5.1	\$	0.2	100%
Award Method						
Total Competitive Contracts	10	\$	1.9	\$	0.2	38.4%
Total Non-Competitive	18	\$	3.1	\$	0.2	61.6%
Interagency Agreement	18	\$	3.1	\$	0.2	61.6%
Procurement Category Information Technology	18	\$	2.6	\$	0.1	51.1%
Legal/Financial Services	7	Ψ \$	1.4		0.1	27.7%
Professional Services	2	\$	0.7		0.2	14.4%
Consulting Services	1	\$	0.3	•	0.3	6.8%

0 \$







<sup>1</sup>These figures reflect the total value of reported contracts awarded in FY 17-18 and reported to the LBB contracts database. Values can include planned expenditures for subsequent years and represent the amounts contracted which may include funds from sources other than appropriated or General Revenue Funds.

\$

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**Revenue Generating Contracts** 

Contracting Highlights - Senate

(Dollar values rounded to the nearest tenth of a million)								
Largest Active Contracts from Previous Fiscal Years	Award Method	Tot	al Value	% Change*	Award Date	Length	Renewals	Vendor
1 eFiling Contract	Competitive	\$	144.1	0.0%	11/08/12	9 years	0	Tyler Technologies Inc
2 FY16-18 Microsoft Enterprise Agreement	Competitive	\$	0.7	0.0%	12/14/15	3 years	0	SHI Government Solutions
3 FY16 Adobe Acrobat Pro DC License and Maintenance	Competitive	\$	0.1	0.0%	06/21/16	3 years	0	CDW Government
Largest Competitive Contracts Awarded in FY 17-18								
1 PC & Laptop Refresh	Competitive	\$	0.7	0.0%	08/21/17	1 year	0	SHI Government Solutions
2 JBCC Licensing & Compliance System	Competitive	\$	0.4	0.0%	10/18/16	2 years	0	Aithent Inc
3 HP Blades	Competitive	\$	0.2	0.0%	10/12/16	1 year	0	GTS Technology Solutions Inc
4 FY17 TIBH Network Engineer	Competitive	\$	0.1	16.2%	12/01/16	1 year	1	Workquest - Temps
5 FY17 Server Memory	Competitive	\$	0.1	0.0%	08/31/17	1 year	0	CDW Government
Largest Non-Competitive Contracts Awarded in FY 17-18								
1 FY18-19 IAC w/CPA Judiciary for Assigned Judges	Interagency	\$	0.4	0.0%	09/01/17	2 years	0	Judiciary Section-Comptroller's Dept
2 FY18-19 ICC w/ TAMU	Interagency	\$	0.3	0.0%	02/09/18	1 year	0	Texas A&M University
3 FY18-19 ICC w/Harris County for CPC Court Funding	Interagency	\$	0.3	0.0%	09/01/17	2 years	0	Harris County
4 FY17 TTU CapRock Public Defenders Office	Interagency	\$	0.2	0.0%	10/01/16	1 year	0	Texas Tech University
5 FY18-19 TSU Innocence Project	Interagency	\$	0.2	0.0%	09/14/17	2 years	0	Texas Southern University

\*Note: The percent change is the difference in contract value between initial the award amount and the current contract value. This calculation includes contract amendments and renewals.

## Office of Court Administration, Texas Judicial Council Rider Highlights - Senate

## **Modification of Existing Riders**

- 2. **Capital Budget.** Recommendations provide \$0.9 million in General Revenue for the replacement and enhancement of computer equipment used by OCA, the appellate courts, and other judicial branch agencies.
- 3. Information Services and Technology Equipment. Recommendations modify the rider to combine Rider 3, Information Services for the Trial Courts, and Rider 4, Information Technology Equipment and Services from the 2018-19 biennium, into one rider. Recommendations remove text that restates statutory requirements in Government Code Sec. 2175.307.
- 9. Performance Reporting for the Collection Improvement Program. Recommendations modify the rider by adding language to specifically identify the program and removing directions to seek the agency to increase the number of voluntary programs by five each fiscal year. The Collections Improvement Program was established in 2005 and the agency reports that it has shifted efforts away from creating voluntary programs to educating and consulting courts about the programs.

#### **New Riders**

15. Guardianship Compliance Project. Recommendations include a new rider appropriating funding and FTEs to be used for the program to assist with reviewing and auditing guardianship filings for the elderly and incapacitated persons to determine if guardians are following requirements and to identify persons under guardianship that are being exploited and/or neglected (See also, Selected Fiscal and Policy Issue - Senate #2).

## **Deleted Riders**

- 4. Information Technology Equipment and Services. Recommendations delete this rider. The language of the rider was combined and incorporated with the modified Rider 3, Information Technology Equipment and Services (See #3 above).
- 14. Texas Forensic Science Commission. Recommendations delete the rider. The Texas Forensic Science Commission became administratively attached to the agency with the enactment of Senate Bill 1124, Eighty-Fifth Legislature, Regular Session, and its funding is included if Office of Court Administration's bill pattern.

## Office of Court Administration, Texas Judicial Council Items Not Included in Recommendations - Senate

	]	2020-21 Biennial Total					
		GR & GR-D	All Funds	FTEs	Information Technology Involved?	Contracting Involved?	Estimated Continued Cost 2022-23
Offic	ce of Court Administration Exceptional Items Not Included (in agency priority order)						
1)	General Revenue funding to provide nine additional child protection courts and 18.0 FTEs (\$406,214 for each court in the 2020-21 biennium) to help handle continually growing caseloads and to fund annual lump sum retirement obligations to staff of the child support courts eligible to retire in the 2020-21 biennium (\$600,000).	\$4,255,929	\$4,255,929	18.0	Yes	No	\$3,668,894
2)	General Revenue-Dedicated Statewide Electronic Filing System Account No. 5157 funding statewide judicial projects identified by the agency including; contracting for Information Technology and project management assistance in developing a new e-Filing contract, which is set to expire August 31, 2021; Phase 2 of the Guardianship Registry database; a court statistics database; creating a statewide risk-assessment system; and creating a statewide online dispute resolution system.	\$5,523,030	\$5,523,030	0.0	Yes	Yes	\$0
3)	General Revenue to fund two additional court security specialist positions (\$78,000 each year for each position) to assist the Court Security Director in providing security consultation and technical assistance to the judiciary due to increased security incidents and requests for assistance.	\$376,346	\$376,346	2.0	Yes	No	\$368,086
4)	General Revenue to create a statewide case management system to provide magistrates immediate access to critical information (\$27,319,580 in FY2020 and \$2,011,580 in FY2021) and 2.0 FTEs to manage the implementation of the project (\$320,000). The agency anticipates an annual maintenance cost of \$2.0 million each year in the 2022-2023 biennium.	\$29,651,160	\$29,651,160	2.0	Yes	Yes	\$4,000,000
5)	General Revenue to fund the Texas Judicial Council's update of its 2007 Judicial Workload Study and for the agency to provide two staff attorney positions (\$80,000 for each position each year) to assist trail judges in analyzing difficult issues.	\$712,480	\$712,480	2.0	No	Yes	\$715,780
6)	Genearl Revenue to fund the Forensic Science Commission licening duties, develop a forensic reference manaul for criminal court judges and lawyers, and create an accrediation program for crime scene reconstruction.	\$191,800	\$191,800	0.0	No	No	\$191,800

## Office of Court Administration, Texas Judicial Council Items Not Included in Recommendations - Senate

	]	2020-21 Biennial Total					
		GR & GR-D	All Funds	FTEs	Information Technology Involved?	Contracting Involved?	Estimated Continued Cost 2022-23
7)	Add a new rider to provide the agency estimated appropriation authority for General Revenue- Dedicated Forensic Science Commission Operating Account No. 5173 so the Forensic Science Commission may access all revenues deposited to administer the commission and carry out its regulatory responsibilities.	\$81,200	\$81,200	0.0	No	No	\$81,200
8)	Add a new rider to provide the agency estimated appropriation authority for General Revenue- Dedicated Statewide Electronic Filing System Account No. 5157 so the agency may access all revenues deposited to meet vendor contract obligations and to fund statewide judicial projects identified by the agency. GR-D Fund 5157 does not count towards certification.	\$21,337,340	\$21,337,340	0.0	No	No	\$9,854,340
Texa	s Indigent Defense Commission Exceptional Items Not Included (in priority order)					· ·	
9)	Modify Rider 8, Texas Indigent Defense Commission (TIDC), to provide General Revenue- Dedicated Fair Defense Account No. 5073 funding and estimated appropriations authority to the TIDC to access all anticipated fund balances and additional revenues to be utilized for one- time four-year grants to counties seeking funding to create new public defender and managed assigned counsel systems.	\$24,898,117	\$24,898,117	0.0	Yes	Yes	\$0
10)	Modify Rider 8, Texas Indigent Defense Commission (TIDC), to remove language capping the appropriation and FTE amounts for the administration of the commission.	\$0	\$0	0.0	No	No	\$0
11)	Modify Rider 8, Texas Indigent Defense Commission (TIDC), to increase the FTE cap to 15.0 and provide \$1,479,988 in General Revenue-Dedicated Fair Defense Account No. 5073 funding each fiscal year for administration of the commission. If item 10 above is adopted, then this item is not needed.	\$630,000	\$630,000	4.0	No	No	\$0
то	TAL Items Not Included in Recommendations	\$87,657,402	\$87,657,402	28.0			\$18,880,100

Section 5

## Office of Court Administration, Texas Judicial Council Strategic Fiscal Review Appendices - Senate

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\* Appendix is not included - no significant information to report

 $^{\ast\ast}$  Information is included in the presentation section of the packet

## Mission Centrality/Authority

## Office of Court Administration, Texas Judicial Council Strategic Fiscal Review Appendix 1 Program Listing -- Services and Administration - Senate

(Includes Programs from All Funding Sources - Both Inside and Outside the State Treasury)

Authority

Agency Submission					L	BB Staff Review	w and Analysis			
Agency		Year	State	Federal		Mission		Service	Significant Audit and/or	Contracts for Outsourced
Ranking	Program Name	Implemented	Authority	Authority	Authority	Centrality	State Service	Area	Report Findings	Services
2	Judicial Information	1929	Admin Code, Statute	No Federal Requirement	Strong	Strong	Legal Services & Law Enforcement	Statewide	N/A	N/A
3	Child Protection Courts	2001	Statute	No Federal Requirement	Strong	Strong	Legal Services & Law Enforcement	Statewide	N/A	No
4	Child Support Courts	1993	Statute	Public Law	Strong	Strong	Legal Services & Law Enforcement	Statewide	N/A	N/A
5	Guardianship Compliance Program	2015	Statute	No Federal Requirement	Moderate	Moderate	Legal Services & Law Enforcement	Statewide	N/A	N/A
6	Court Security and Emergency Preparedness	2017	Statute	No Federal Requirement	Strong	Strong	Legal Services & Law Enforcement	Statewide	N/A	N/A
7	Statewide Electronic Filing System	2013	Court Order, Statute	No Federal Requirement	Strong	Strong	Legal Services & Law Enforcement	Statewide	N/A	Yes
8	Statewide Judicial Technology Projects	2018	Agency Rider, Statute	No Federal Requirement	Strong	Strong	Legal Services & Law Enforcement	Statewide	N/A	N/A
9	Judicial Branch Certification Commission	2014	Court Order, Statute	No Federal Requirement	Strong	Strong	Business & Workforce Development & Regulation	Statewide	N/A	No
10	Court Consulting Services	1977	Statute	No Federal Requirement	Strong	Strong	Legal Services & Law Enforcement	Statewide	N/A	N/A
11	Language Access	2010	Statute	No Federal Requirement	Strong	Strong	Legal Services & Law Enforcement	Statewide	N/A	N/A
12	TIDC Administration	2002	Agency Rider, Statute	No Federal Requirement	Strong	Strong	Local Government & Community Support	Statewide	N/A	No
13	TIDC Formula Grants	2002	Statute	No Federal Requirement	Strong	Strong	Local Government & Community Support	Statewide	N/A	N/A
14	TIDC Discretionary Grants	2004	Statute	No Federal Requirement	Strong	Strong	Local Government & Community Support	Statewide	N/A	No
15	Texas Forensic Science Commission	2005	Statute	Public Law	Strong	Strong	Legal Services & Law Enforcement	Statewide	N/A	N/A
16	Court Improvement Program (CIP) Technology Project	2007	Statute	No Federal Requirement	Strong	Strong	Legal Services & Law Enforcement	Statewide	N/A	N/A
17	TIDC Distributions to Counties Implementing Cost Containment Initiatives	2018	Agency Rider	No Federal Requirement	Strong	Strong	Local Government & Community Support	Statewide	N/A	N/A

## **Mission Centrality/Authority**

# Authority

Office of Court Administration, Texas Judicial Council
Strategic Fiscal Review Appendix 1 Program Listing Services and Administration - Senate

(Includes Programs from All Funding Sources - Both Inside and Outside the State Treasury)

-										
	Agency Submission				L	BB Staff Reviev	v and Analysis			
Agency Ranking	Program Name	Year Implemented	State Authority	Federal Authority	Authority	Mission Centrality	State Service	Service Area	Significant Audit and/or Report Findings	Contracts for Outsourced Services
18	Price of Justice Grant	2016	Agency Rider	Other	Strong	Strong	Legal Services & Law Enforcement	Statewide	N/A	N/A
19	Collection Improvement Program	2005	Admin Code, Statute	No Federal Requirement	Strong	Moderate	Legal Services & Law Enforcement	Statewide	N/A	N/A
20	TIDC Innocence Projects	2006	Agency Rider	No Federal Requirement	Strong	Moderate	Local Government & Community Support	Statewide	N/A	No
21	Statewide eCitation System	2016	Statute	No Federal Requirement	Moderate	Moderate	Legal Services & Law Enforcement	Statewide	N/A	N/A
22	Docket Equalization	0	Statute	No Federal Requirement	Strong	Moderate	Legal Services & Law Enforcement	Statewide	N/A	N/A
Indirect Adm	inistration Programs									
1	Indirect Administration	1977	Statute	No Federal Requirement	N/A	N/A	Legal Services & Law Enforcement	Statewide	N/A	Partial

Note: Significant Audit and/or Report Findings. Qualified indicates that there may be issues relating to agency operations that have not been documented in formal audits, reviews or reports, or LBB Staff cannot verify whether recommendations have been implemented.

#### Office of Court Administration, Texas Judicial Council Strategic Fiscal Review Appendix 2: Program Listing -- Fiscal - Senate (Includes Programs from All Funding Sources - Both Inside and Outside the State Treasury)

	Agency Submission		LBB Staff Review and Analysis												
Agency Ranking	Program Name	201	4-15 Expended	201	6-17 Expended		2018-19 Est / Budg	2019 FTEs Budg	R	2020-21 Recommended	2021 FTEs Rec.	Percent Change from Base	FTEs Change from Base	Revenue Supported?	Appropriate Use of Constitutional and GR- Dedicated Funds?
2	Judicial Information	\$	1,166,737	\$	1,206,996	\$	1,648,232	13.0	\$	1,547,338	13.8	-6.1%	0.8	No	N/A
3	Child Protection Courts	\$	6,131,119	\$	8,628,908	\$	9,238,230	50.1	\$	8,896,994	50.1	-3.7%	0.0	No	N/A
4	Child Support Courts	\$	14,080,555	\$	15,830,850	\$	16,017,178	87.3	\$	16,017,178	87.3	0.0%	0.0	Yes	N/A
5	Guardianship Compliance Program	\$	-	\$	529,233	\$	660,770	6.3	\$	754,083	6.3	14.1%	0.0	No	N/A
6	Court Security and Emergency Preparedness	\$	-	\$	-	\$	185,952	1.0	\$	186,004	1.0	0.0%	0.0	No	N/A
7	Statewide Electronic Filing System	\$	26,412,559	\$	35,362,915	\$	44,036,275	0.0	\$	39,201,660	0.0	-11.0%	0.0	Yes	Compliant
8	Statewide Judicial Technology Projects	\$	-	\$	-	\$	688,415	0.0	\$	-	0.0	-100.0%	0.0	No	Compliant
9	Judicial Branch Certification Commission	\$	986,060	\$	1,152,469	\$	1,226,460	9.0	\$	1,222,858	9.0	-0.3%	0.0	Yes	N/A
10	Court Consulting Services	\$	137,791	\$	235,358	\$	295,331	2.0	\$	147,868	1.0	-49.9%	-1.0	No	N/A
11	Language Access	\$	274,617	\$	279,200	\$	283,035	2.0	\$	289,958	2.0	2.4%	0.0	No	N/A
12	TIDC Administration	\$	1,857,211	\$	2,189,416	\$	2,329,976	11.0	\$	2,329,976	11.0	0.0%	0.0	Yes	Compliant
13	TIDC Formula Grants	\$	60,733,512	\$	56,608,643	\$	46,532,589	0.0	\$	49,660,997	0.0	6.7%	0.0	No	Compliant
14	TIDC Discretionary Grants	\$	14,032,216	\$	13,744,679	\$	11,332,249	0.0	\$	26,203,841	0.0	131.2%	0.0	No	Compliant
15	Texas Forensic Science Commission	\$	-	\$	-	\$	1,236,000	5.0	\$	1,236,000	5.0	0.0%	0.0	No	Compliant
16	Court Improvement Program (CIP) Technology Project	\$	391,290	\$	460,265	\$	412,548	2.0	\$	412,768	2.0	0.1%	0.0	No	N/A
17	TIDC Distributions to Counties Implementing Cost Containment Initiatives	\$	-	\$	-	\$	5,040,898	0.0	\$	5,040,898	0.0	0.0%	0.0	No	Compliant
18	Price of Justice Grant	\$	-	\$	-	\$	499,984	0.0	\$	-	0.0	-100.0%	0.0	No	N/A
19	Collection Improvement Program	\$	1,967,636	\$	1,999,411	\$	619,110	3.0	\$	525,340	3.0	-15.1%	0.0	No	N/A
20	TIDC Innocence Projects	\$	729,072	\$	934,624	\$	1,200,000	0.0	\$	1,200,000	0.0	0.0%	0.0	No	Compliant
21	Statewide eCitation System	\$	-	\$	239,598	\$	164,933	0.0	\$	-	0.0	-100.0%	0.0	No	N/A
22	Docket Equalization	\$	33,751	\$	33,764	\$	10,000	0.0	\$	-	0.0	-100.0%	0.0	No	N/A
Indirect Admi	nistration Programs														
1	Indirect Administration	\$	10,745,311	\$	12,964,449	\$	11,668,090	44.9	\$	11,277,981	45.1	-3.3%	0.2	Yes	N/A
Total		\$	140,097,574	\$	152,938,528	\$	155,326,255	236.6	\$	166,151,742	236.6	7.0%	0.0		

#### Office of Court Administration, Texas Judicial Council Strategic Fiscal Review Appendix 2: Program Listing -- Fiscal - Senate (Includes Programs from All Funding Sources - Both Inside and Outside the State Treasury)

	Agency Submission				LBB Staff Review and Analysis									
Agency Ranking			2016-17 Expended	2018-19 Est / Budg	2019 FTEs 2020-21 Budg Recommended		2021 FTEs Rec.	Percent Change from Base	FTEs Change from Base	Revenue Supported?	Appropriate Use of Constitutional and GR- Dedicated Funds?			
-					2018-19	2020-21	Τ				-			
					Est/Budg	Recommended								
				Inside the Treasury	\$ 155,326,255	\$ 166,151,742	1							
				Outside the Treasury	\$ -	\$ -	1							
				Total	\$ 155,326,255	\$ 166,151,742								

Notes: Qualified indicates that the agency may be using the funds for the purpose(s) intended or for similar purposes which are not specifically authorized by the constitution or statute, or that there may be conflicts within authorizing laws.

Revenue Supported includes fees, tuition set asides and donations.

## Office of Court Administration, Texas Judicial Council Strategic Fiscal Review Appendix 3: Assessment of Mission Centrality and Authority - Senate (Includes Programs from All Funding Sources - Both Inside and Outside the State Treasury)

*Mission centrality* is a judgment of how directly connected a program is to the core mission and goals of the agency, as identified in statute, agency strategic plans, or other documents. *Authority* is an assessment of how strong and explicit the legal basis is for the existence of the program and the way in which the agency is administering it.



Notes: Agency program rankings included after the program name. The matrix does not include Indirect Administration programs.

## Strategic Fiscal Review Appendix 4: Constitutional, General Revenue Dedicated Accounts, and Funds Outside the Treasury - Senate (Includes Programs from All Funding Sources - Both Inside and Outside the State Treasury)

1	Account No:	5073	Account Type:	GR DEDICATED							
	Account Name:	Fair Defense									
	Legal Cite(s):	Sec. 133.107									
		<b>d Use:</b> The funds may only be appropriated to the Texas Indigent Defense Commission, administered by the Office of Court Administration, for the purpose of Government Code Ch. 79 and the Office of Capital and Forensic Writs for the purpose of implementing subchapter B, Chapter 78.									
		Revenue to the fund includes 17.8448% of the Consolidated Court Costs, 33.39 upon criminal conviction, transfer of juror pay collections over \$10 million, and									

Ranking:	Program Name	2018-19 Est/Budg	Re	2020-21 commended	In Compliance with Authorized Use?	
12	TIDC Administration	\$ 2,329,976	\$	2,329,976	Yes	
13	TIDC Formula Grants	\$ 46,532,589	\$	49,660,997	Yes	
	TIDC Discretionary Grants	\$ 11,332,249	\$	26,203,841	Yes	
17	TIDC Distributions to Counties Implementing Cost Containment Initiatives	\$ 5,040,898	\$	5,040,898	Yes	
20	TIDC Innocence Projects	\$ 1,200,000	\$	1,200,000	Yes	
Total		\$ 66,435,712	\$	84,435,712		

Notes/Comments: The Office of Capital and Forensic Writs is 100 percent funded with GR-D Fair Defense No. 5073 funding. Recommendations provide \$2,675,171 for the 2020-21 biennium, which is the same as 2018-19 spending levels.

## Strategic Fiscal Review Appendix 4: Constitutional, General Revenue Dedicated Accounts, and Funds Outside the Treasury - Senate

(Includes Programs from All Funding Sources - Both Inside and Outside the State Treasury)

2	Account No:	5157	Account Type:	GR DEDICATED							
	Account Name:	Statewide Electronic Filing System									
	Legal Cite(s):	overnment Code Sec. 51.852									
			in the fund may only be appropriated to the Office of Court Administration and used to support a statewide electronic filing technology project for the provide grants to counties to implement components of the project, and support court technology projects that have a statewide impact as determined by the of Court Administration.								
		Revenue for the fund is provided by a \$30 fee for civil cases in county-level, district, and appellate courts; \$10 filing fee for civil cases; \$5 criminal court cost charged upon conviction in a county or district court.									

Ranking:	Program Name	2018-19 Est/Budg	Re	2020-21 ecommended	In Compliance with Authorized Use?
7	Statewide Electronic Filing System	\$ 44,036,275	\$	36,034,992	Yes
8	Statewide Judicial Technology Projects	\$ 688,415	\$	8,545,898	Yes
Total		\$ 44,724,690	\$	44,580,890	

Notes/Comments	

## Strategic Fiscal Review Appendix 4: Constitutional, General Revenue Dedicated Accounts, and Funds Outside the Treasury - Senate

(Includes Programs from All Funding Sources - Both Inside and Outside the State Treasury)

2	A securit No.	c170	· · -								
3	Account No:	51/3	Account Type:	GR DEDICATED							
	Account Name:	Texas Forensic Science Commission									
	Legal Cite(s):	Code of Criminal Procedure Art. 38.01 Sec. 13									
	Authorized Use:	Money in the account may be appropriated only to the commission for the admir	oney in the account may be appropriated only to the commission for the administration and enforcement Code of Criminal Procedure Art. 38.								
	Revenue Source:	Fees collected for the issuance or renewal of a forensic analyst.									

Ranking:	king: Program Name		2018-19 Est/Budg	_	2020-21 ommended	In Compliance with Authorized Use?	
15	Texas Forensic Science Commission	\$	70,000	\$	261,800	Yes	
Total		\$	70,000	\$	261,800		

Notes/Comments:	

	2018-19 Est/Budg	R	2020-21 ecommended
Inside the Treasury	\$ 103,730,402	\$	121,778,402
Outside the Treasury	\$ -	\$	-
Total	\$ 103,730,402	\$	121,778,402

2018-19 Estimated / Budgeted

General Revenue

## Office of Court Administration, Texas Judicial Council

Strategic Fiscal Review Appendix 5a: Program Summary - Senate

(Includes Programs from All Funding Sources - Both Inside and Outside the State Treasury)

## **Program: Indirect Administration**

\$15.0

\$5.0

\$0.0

se \$10.0

Indirect support is provided to the Office of Court Administration staff, courts, and other judicial branch agencies. The divisions providing support include Executive, Legal, Finance and Operations (including Human Resources), and Information Technology.

Legal Authority: Government Code Chapters 71 & 72, and Secs. 79.033 & 152.103; Code of Criminal Procedure Art. 38.01, Sec. 9; General Appropriations Act, 85th Regular Session, Page IV-26, Rider 4: Information Technology Equipment and Services.

Year Implemente	<b>d</b> 1977	Performance and/o	r	Revenue Supported	Yes
Authority	Strong	Operational Issu	e N/A	Appropriate Use of Constitutional a	nd
Centrality	Strong	<b>Outsourced Service</b>	s Partial	General Revenue-Dedicated Funds	N/A
Service Area	Statewide	State Service(s)	Legal Services & Law	<sup>r</sup> Enforcement	

	2018-19		2020-21	% of Total Rec.
Objects of Expense	Estimated / Budgeted		Recommended	Funding
Personnel Costs	\$ 6,924,299	\$	7,107,794	63.0%
Operating Costs	\$ 4,737,135	\$	4,170,187	37.0%
Capital Costs	\$ 6,656	\$	-	0.0%
Total	\$ 11,668,090	\$	11,277,981	100.0%

	2020-21	
	Recommended	% of Total
Funds Inside the State Treasury	\$ 11,277,981	100.0%
Funds Outside the State Treasury	\$ -	0.0%
Total	\$ 11,277,981	100.0%



Mission Centrality/Authority						
Centrality						
1			X			
Authority						



Agency Ranking

1 out of 22

#### Summary of Recommendations and Fiscal and Policy Issues

1 Recommendations provide \$11.3 million in All Funds for Indirect Administration. This is a decrease of \$390,109 from 2018-19 spending levels for the program related to an anticipated decrease in Appropriated Receipts from third party reimbursements for information technology equipment upgrades and replacements.

#### Challenges and Enhancement Opportunities

- 1 The number of programs and responsibilities have grown over the years through initiatives proposed by the Supreme Court, the Judicial Council, and the Legislature, which has increased the number of staff in need of support and information technology services. The increase in workload for existing staff has resulted in the agency requesting appropriations to hire additional legal, accounting, and research staff positions and to provide additional workspace.
- 2 The OCA consistently reports that staff salaries are inadequate to retain staff that require specific expertise to provide the level of support needed for each program. The State Auditors Office Summary of Full-time Equivalent State Employees report shows an agency turnover of 4.2 FTEs (2.0 percent) for fiscal year 2015, 16.0 FTEs (7.0 percent) in fiscal year 2016, and 23.0 FTEs (10.1 percent) in fiscal year 2017.

#### Agency 212

Office of Court Administration, Texas Judicial Council Strategic Fiscal Review Appendix 5b: Program Summary - Senate

(Includes Programs from All Funding Sources - Both Inside and Outside the State Treasury)

2 out of 22

## **Program: Judicial Information**

To act as the repository for an array of information regarding courts in Texas by collecting and maintaining information from courts at all levels, analyzing court data, producing both statutory-required, ad hoc, and annually published reports regarding the courts and court officials, and responding to information requests from members of the judiciary and legislature.

Agency

Ranking

Legal Authority: Government Code, Secs. 36.004, 71.031-71.038, 72.022-72.025, 72.030-72.031, 72.042, 72.081-72.087; Code of Criminal Procedure Art. 2.212, 21.24, 102.017(f), 103.0033(i), Family Code Sec. 33.003, Civil Practice & Remedies Code Sec. 11.104; 1 TAC 171, 175.4

1/23/2019

Year Implemente	e <b>d</b> 1929	Performance and/	or	Revenue Supported	No
Authority	Strong	Operational Issu	ue N/A	Appropriate Use of Constitutional a	nd
Centrality	Strong	Outsourced Service	es N/A	General Revenue-Dedicated Funds	N/A
Service Area	Statewide	State Service(s)	Legal Services & Law	Enforcement	

Objects of Expense	2018-19 2020-21 Estimated / Budgeted Recommended			% of Total Rec. Funding
Personnel Costs	\$ 1,471,228	\$	1,460,548	94.4%
Operating Costs	\$ 177,004	\$	86,790	5.6%
Total	\$ 1,648,232	\$	1,547,338	100.0%

	2020-21	
	Recommended	% of Total
Funds Inside the State Treasury	\$ 1,547,338	100.0%
Funds Outside the State Treasury	\$ -	0.0%
Total	\$ 1,547,338	100.0%





Mission Centrality/Authority				
	Centrality		>	
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Authority				



#### Summary of Recommendations and Fiscal and Policy Issues

2 out of 22

Agency

Ranking

- 1 Recommendations provide \$1.6 million in General Revenue for the Judicial Information program. This is a decrease of \$100,894 from 2018-19 spending levels due to the expiration of the Domestic Violence Resources/Training Attorney grant.
- 2 Recommendations do not include \$552,480 in General Revenue for an update to the Texas Judicial Council's 2007 Judicial Workload Study that measured the workload of district judges to determine how many judicial officers were needed in Texas to provide for the equitable handling of cases in district courts based on a methodology developed by the National Center for State Courts. Recommendations also do not include \$160,000 with authority for 2.0 FTEs for two staff attorney positions to assist trial judges in analyzing difficult issues. (See also, Items Not Included in Recommendations Senate #5).

#### **Challenges and Enhancement Opportunities**

- 1 The agency's current system of data collection is limited due to the varying data collection capabilities across jurisdictions. Much of the information collected is aggregated at the county level and is not case specific, which limits the agency's ability to analyze statewide trends and activities that may be useful in improving court processes and efficiencies.
- 2 The agency has requested \$29.7 million in General Revenue to create a new statewide case management system, focused primarily on counties with a population of 20,000 or fewer, to provide magistrates immediate access to critical information and to allow the agency to collect case-level data which would provide accurate and timely reporting on judicial branch issues (See also, Items Not Included in Recommendations Senate #4).

Strategic Fiscal Review Appendix 5c: Program Summary - Senate

(Includes Programs from All Funding Sources - Both Inside and Outside the State Treasury)

## **Program: Child Protection Courts**

Agency Ranking 3 out of 22

Provides personnel to operate specialized child protection courts, which were created to assist trial courts in managing child abuse and neglect dockets in rural areas covering an estimated 40 percent of total child abuse and neglect cases filed in the state. Associate judges are appointed by the presiding judges of administrative judicial regions and are OCA employees. Each court is staffed by a court coordinator that is also an OCA employee.

Legal Authority: Family Code, Chapter 201, Subchapter C.

Year Implemented	2001	Performance and/or		Revenue Supported	No
Authority	Strong	<b>Operational Issue</b>	₩N/A	Appropriate Use of Constitutional ar	nd
Centrality	Strong	Outsourced Services	No	General Revenue-Dedicated Funds	N/A
Service Area	Statewide	State Service(s)	Legal Services & Law	Enforcement	

Objects of Expense	2018-19 Estimated / Budgeted		2020-21 Recommended		% of Total Rec. Funding
Personnel Costs	\$	7,624,621	\$	7,340,408	82.5%
Operating Costs	\$	1,613,609	\$	1,556,586	17.5%
Total	\$	9,238,230	\$	8,896,994	100.0%

2020-21						
		Recommended	% of Total			
Funds Inside the State Treasury	\$	8,896,994	100.0%			
Funds Outside the State Treasury	\$	-	0.0%			
Total	\$	8,896,994	100.0%			

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uthority					

## **Program: Child Protection Courts**



#### Summary of Recommendations and Fiscal and Policy Issues

3 out of 22

Agency

Ranking

- 1 Recommendations provide \$8.9 million in All Funds for 24 Child Protection Courts operating in 130 counties. This is a decrease of \$341,236 over 2018-19 spending levels due to an Interagency Contract with the Dallas Permanent Managing Conservatorship Court, funded by the Supreme Courts Children's Commission, not expected to be renewed in the 2020-21 biennium.
- 2 Recommendations do not provide \$3.6 million in General Revenue to fund the addition of nine Child Protection Courts to alleviate the increased caseload in areas the agency has identified and have requested assistance (See also, Items Not Included in Recommendations Senate #1). Five Child Protection Courts were created in fiscal year 2015.

#### **Challenges and Enhancement Opportunities**

1 The agency reports that the number of child protection cases have increased 29 percent from fiscal year 2011 to fiscal year 2017 due to an increase in Child Protection Services caseworkers, population growth, and an increase in drug-related removals.



Average Number of Hearings per Child Protection Court



Agency Ranking

3 out of 22



\*Map provided by the Office of Court Administration

Strategic Fiscal Review Appendix 5d: Program Summary - Senate

(Includes Programs from All Funding Sources - Both Inside and Outside the State Treasury)

## **Program: Child Support Courts**

Agency 4 out of 22 Ranking

Employs associated judges and court coordinators to implement and administer Title IV-D, Child Support Establishment and Enforcement, cases within the expedited time frames required under Chapter 201.110 of the Texas

Legal Authority: Family Code, Ch. 201, Subch. B; Title IV, Part D, Social Security Act - requires states to operate statewide child support enforcement programs in order to receive federal welfare funds - the Title IV-D court constitute part of the State's Title IV-D child support enforcement program.

Year Implemente	<b>d</b> 1993	Performance and/or	Revenue Supported No
Authority	Strong	<b>Operational Issue</b> N/A	Appropriate Use of Constitutional and
Centrality	Strong	Outsourced Services N/A	General Revenue-Dedicated Funds N/A
Service Area	Statewide	State Service(s) Legal Se	rvices & Law Enforcement

Objects of Expense	2018-19 Estimated / Budgeted		2020-21 Recommended		% of Total Rec. Funding
Personnel Costs	\$	14,325,542	\$	14,316,568	89.4%
Operating Costs	\$	1,691,636	\$	1,700,610	10.6%
Total	\$	16,017,178	\$	16,017,178	100.0%

	2020-21	
	Recommended	% of Total
Funds Inside the State Treasury	\$ 16,017,178	100.0%
Funds Outside the State Treasury	\$ -	0.0%
Total	\$ 16,017,178	100.0%

Aut





Mission Centrality/Authority				
	Centrality		>	
1			Х	
thority				

## **Program: Child Support Courts**

#### Agency Ranking

4 out of 22



\*Map provided by the Office of Court Administration

#### Summary of Recommendations and Fiscal and Policy Issues

- 1 Recommendations provide \$16.0 million in All Funds for 42 Child Support Courts. This is the same as 2018-19 spending levels and includes \$5.4 million in General Revenue and \$10.6 million in Federal Funds through an Interagency Contract with Child Support Division of the Office of the Attorney General.
- 2 Recommendations do not include an agency request for \$600,000 in General Revenue to provide funding for lump-sum annual leave payments to retiring staff. The agency reports that 57.0 percent of Child Support Court staff will be eligible to retire in the 2020-21 biennium. Staff salaries are funded 66 percent federal funds and 34.0 percent from General Revenue. The federal funds cannot be used for lump-sum annual leave payments and must be fully paid for with General Revenue.

#### **Challenges and Enhancement Opportunities**

1 The Child Support Program and its General Revenue appropriation was transferred to the Office of Court Administration in 1993 after the Legislature determined that the associate judges and their staff appointed by the presiding judges should be employed by the state versus the counties. The agency reports that current appropriations provide only the basic needs for salary and travel. Additional resources would allow the agency to provide direct technology support, equipment, and upgrade the courts' case management system.

#### **Alternative Funding Options**

- 1 Government Code §51.852(3) states that funds from General Revenue-Dedicated Statewide Electronic Filing System Account No. 5157 may be appropriated to "support court technology projects that have a statewide impact". The agency may utilize these funds to provide direct technology support and upgrade the child support courts' case management system.
- **2** GR-D Fund 5157 balance remaining after funding the Statewide Electronic Filing System vendor contract are estimated to be \$5.5 million, which could be used be the Legislature to fund the statewide case management system and/or statewide judicial technology projects identified by the agency.

Strategic Fiscal Review Appendix 5e: Program Summary - Senate

(Includes Programs from All Funding Sources - Both Inside and Outside the State Treasury)

## Program: Guardianship Compliance Program

Agency Ranking 5 out of 23

Provides additional resources to courts handling guardianship cases to review guardianship cases to identify reporting deficiencies by the guardian, review annual reports and accountings, and report findings to the court.

Legal Authority: Govt. Code Sec. 71.031, 72.023-72.024; Estates Code Sec. 1163.001-1163.003, 1163.101

Year Implemented	2015	Performance and/or	Revenue Supported No
Authority	Moderate	<b>Operational Issue</b> : N/A	Appropriate Use of Constitutional and
Centrality	Moderate	Outsourced Services N/A	General Revenue-Dedicated Funds N/A
Service Area	Statewide	State Service(s) Legal Services &	Law Enforcement

		2018-19		2020-21	% of Total Rec.	
Objects of Expense	Est	Estimated / Budgeted		Recommended*	Funding	
Personnel Costs	\$	492,890	\$	4,830,809	84.6%	
Operating Costs	\$	167,880	\$	877,808	15.4%	
Total	\$	660,770	\$	5,708,617	100.0%	

2020-21						
		Recommended	% of Total			
Funds Inside the State Treasury	\$	5,708,617	100.0%			
Funds Outside the State Treasury	\$	-	0.0%			
Total	\$	5,708,617	100.0%			

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\*Note: The program is funded in the 2020-21 biennium with \$5.7 million; appropriation amounts will be adjusted accordingly.





Mission Centrality/Authority				
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\*Map provided by Office of Court Administration

# 5 out of 23

Agency

Ranking

#### Summary of Recommendations and Fiscal and Policy Issues

- 1 Recommendations provide \$5.7 million in All Funds and 34.3 FTEs to provide a Guardianship Compliance Program to assist local courts with reviewing and auditing guardianship filings for the elderly and incapacitated. This is an increase of \$5.0 million over 2018-19 spending levels. The agency's bill pattern in the introduced bill does not reflect the additional General Revenue which will be added as a technical correction (See also, Selected Fiscal and Policy Issues - Senate #2 and Rider Highlights - Senate #15).
- 2 The program would have been established in statute with the enactment of Senate Bill 667, Eighty-fifth Legislature, Regular Session. The legislation and appropriations of \$5.0 million in General Revenue and 31.0 FTEs were vetoed by the Governor. The Governor's Veto Proclamation stated that statutory reforms implemented in the 2018-19 biennium to improve the guardianship system should be given time to work before expanding the program and the State should continue to look for cost-effective ways to address the issues before creating a new State bureaucracy.
- **3** The agency continued to partially fund the Guardianship Compliance Program in 2018-19 with funding and FTEs it re-allocated from existing programs after the veto. The agency continued to provide \$0.6 million in General Revenue to prevent fraud and abuse committed against the elderly and incapacitated at 2016-17 spending levels (See also, Selected Fiscal and Policy Issues Senate #2).

#### **Recommended Statutory Changes for Program Improvement**

- 1 Requiring participation by any court identified by the agency and requiring the agency to file a report with the State Commission on Judicial Conduct if a judge's action could be considered judicial misconduct.
- 2 Existing statutory authority for the program was determined to be "moderate". The program would benefit from more specific guidance through statute regarding its duties, responsibilities, and expectations which would improve its effectiveness.

#### **Challenges and Enhancement Opportunities**

- 1 The agency initiated the Guardianship Compliance Pilot Project in November 2015 from a recommendation by the Texas Judicial Council and has revealed significant issues with guardian compliance with statutory requirements and financial exploitation. The agency has conducted an initial review of 27 counties and found that out of 6,376 active guardianship cases identified, 2,702 were out of compliance with required reporting.
- 2 The agency expects the need for this program to grow as the State's population ages and the appointment of guardians increases. According to the Texas Demographic Center's 2016 Population Estimates report, Texas' population of citizens 65 or older grew by 49.5 percent, from nearly 2.1 million in 2000 to nearly 3.1 million in 2014 and is anticipated to reach 6.0 million by 2030.

Strategic Fiscal Review Appendix 5f: Program Summary - Senate

(Includes Programs from All Funding Sources - Both Inside and Outside the State Treasury)

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## **Program: Court Security and Emergency Preparedness**

Agency Ranking

Supports courts and counties in their efforts to assess and improve personal and courthouse security.

Legal Authority: Govt. Code Sec. 72.015; 72.016; Code of Criminal Procedure Art. 102.017(f)

Year Implemented	2017	Performance and/or	Revenue Supported No
Authority	Strong	<b>Operational Issue:</b> N/A	Appropriate Use of Constitutional and
Centrality	Strong	Outsourced Services N/A	General Revenue-Dedicated Funds N/A
Service Area	Statewide	State Service(s) Legal Services &	Law Enforcement

	2018-19		2020-21	% of Total Rec.
Objects of Expense	Estimated / Budgeted		Recommended	Funding
Personnel Costs	\$ 160,359	\$	160,480	86.3%
Operating Costs	\$ 25,593	\$	25,524	13.7%
Total	\$ 185,952	\$	186,004	100.0%

2020-21				
		Recommended	% of Total	
Funds Inside the State Treasury	\$	186,004	100.0%	
Funds Outside the State Treasury	\$	-	0.0%	
Total	\$	186,004	100.0%	



## **Program: Court Security and Emergency Preparedness**



#### Summary of Recommendations and Fiscal and Policy Issues

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Agency

Ranking

- 1 Recommendations provide \$186,004 in General Revenue for the Court Security and Emergency Preparedness program, which is an increase of \$52 over 2018-19 spending levels.
- 2 Recommendations do not provide \$376,346 in General Revenue to fund an additional 2.0 FTEs to assist the Court Security Director with security consultation and technical assistance to the judiciary. The Eighty-fifth Legislature, Regular Session, enacted Senate Bill 42 in the aftermath of the attempted assassination of a District Court Judge, which required the agency to create a court security division and provided General Revenue funding for 1.0 FTE (See also, Items Not Included in Recommendations -Senate #3)

#### **Challenges and Enhancement Opportunities**

1 The agency reports that court security incidents increased by 224.6 percent from fiscal year 2017 to fiscal year 2018. Additional resources would be utilized to increase personnel to assist the Court Security Director. Incidents are defined as being any adverse event in or around a building housing a court that threatens the security of a person or property, or causes or may cause significant disruption to functions of the court due to a breach in security.



Strategic Fiscal Review Appendix 5g: Program Summary - Senate

(Includes Programs from All Funding Sources - Both Inside and Outside the State Treasury)

Agency Ranking 7 out of 22

Maintain an electronic case filing management system titled "eFile Texas" maintained through contract by the Office of Court Administration for the e-filing of civil and criminal cases at a statewide level.

Legal Authority: Government Code, Chapter 72, Subchapter C, Section 72.031 Electronic Filing System; Supreme Court Misc. Docket No. 12-9208, Court of Criminal Appeals Misc. Docket No. 16-003, Supreme Court Misc. Docket No. 17-9025

Year Implemente	ed 2013	Performance and/or		Revenue Supported	Yes
Authority	Strong	Operational Issu	e N/A	Appropriate Use of Constitutional a	nd
Centrality	Strong	Outsourced Services No		General Revenue-Dedicated Funds	Compliant
Service Area	Statewide	State Service(s)	Legal Services & Law	Enforcement	
Service Area	Statewide	State Service(s)	Legal Services & Law	Enforcement	

Objects of Expense	2018-19 Estimated / Budgeted		2020-21 Recommended	% of Total Rec. Funding	
Operating Costs	\$ 44,036,275	\$	39,201,660	100.0%	
Total	\$ 44,036,275	\$	39,201,660	100.0%	

	2020-21	
	Recommended	% of Total
Funds Inside the State Treasury	\$ 39,201,660	100.0%
Funds Outside the State Treasury	\$ -	0.0%
Total	\$ 39,201,660	100.0%



Mis	sion Centr	ality/Auth	ority
	Centrality		
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Authority			
#### Program: Statewide Electronic Filing System



#### Summary of Recommendations and Fiscal and Policy Issues

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Agency

Ranking

- Recommendations provide an estimated \$39.2 million in General Revenue-Dedicated Statewide Electronic Filing System Account No. 5157 (GR-D Fund 5157) funding for the Statewide Electronic Filing System program. This is a decrease of \$5.5 million from 2018-19 spending levels (See also, Selected Fiscal and Policy Issues - Senate #4).
- **2** The agency anticipates revenue collections of \$44.7 million for the 2018-19 biennium to continue for the 2020-21 biennium. This provides 100 percent of funding to meet obligations for the program with \$5.5 million in remaining balance.
- **3** The enactment of Senate Bill 1139, Eighty-fourth Legislature, Regular Session, increased the filing fee for civil cases in countylevel, district, and appellate courts from \$20 to \$30 to compensate for reductions in e-filing revenues. In the 2018-19 biennium revenue collections are anticipated to outpace contract obligations to the vendor (Tyler Technologies) for building and maintaining the eFiling system.
- 4 The Comptroller of Public Accounts does not count GR-D Fund 5157 funds toward certification.

#### **Challenges and Enhancement Opportunities**

- 1 Local jurisdictions select their own their own case management systems and must integrate them into the statewide eFilings system. The cost for this required integration is provided by the counties and in some cases has been cost prohibitive, resulting in inconsistant useage of the system across jurisdictions.
- 2 In September of 2018 the agency amended the contract to include a redaction service for eFileTexas.gov and SearchTX.gov users; and internal-facing analytics dashboard services for court staff.
- 3 The agency anticipates the usage of the program and the demand for service to grow as more electronic filings are anticipated to be required by the courts in the future. The current contract with Tyler Technologies will be expiring in 2021 and the agency is not planning to extend the contract. Instead, the agency is planning to begin a new Request For Proposal (RFP) process during the 2020-21 biennium to develop a new project with a different scope.
- 4 The agency has expressed concern with using GR-D Fund 5157 funding for purposes other than the Statewide Electronic Filing System vendor contract payments or projects it identifies. These concerns are focused on making vendor contract payments ontime. OCA must prioritize available funding for use in meeting its vendor contract payments above other possible projects. This could effect the agency's ability to plan and implement such projects without an existing fund balance if revenues fluctuate.

Strategic Fiscal Review Appendix 5h: Program Summary - Senate

(Includes Programs from All Funding Sources - Both Inside and Outside the State Treasury)

# Program: Statewide Judicial Technology Projects

Agency Ranking

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Implements statewide technology projects approved by the Executive Director of the Texas Judicial Council and projects recommended by the Judicial Committee on Information Technology.

Legal Authority: Government Code, Secs. 51.852; 72.024; 77.031; General Appropriations Act, 85th Legislature, OCA bill pattern, Riders 3 and 4.

Year Implemented	2018	Performance and/or		Revenue Supported	Yes
Authority	Strong	<b>Operational Issues</b>	N/A	Appropriate Use of Constitutional a	nd
Centrality	Strong	<b>Outsourced Services</b>	N/A	General Revenue-Dedicated Funds	Compliant
Service Area	Statewide	State Service(s)	Legal Services & Law	Enforcement	

Objects of Expense	2018-19 Estimated / Budgeted		2020-21 Recommended	% of Total Rec. Funding
Operating Costs	\$	688,415	\$ -	0.0%
Total	\$	688,415	\$ -	0.0%

	2020-21	
	Recommended	% of Total
Funds Inside the State Treasury	\$ -	100.0%
Funds Outside the State Treasury	\$ -	0.0%
Total	\$ -	100.0%



Mission Centrality/Authority				
	Centrality		>	
1			X	
Authority				

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#### Summary of Recommendations and Fiscal and Policy Issues

- 1 Recommendations provide \$0.0 million in General Revenue-Dedicated Statewide Electronic Filing System Account No. 5157 (GR-D Fund 5157) funding for the Statewide Judicial Technology Projects program, which is a decrease of \$0.7 million over 2018-19 spending levels (See also, Selected Fiscal and Policy Issues Senate #4 and Items Not Included in Recommendations Senate #2).
- 2 The agency requested an additional \$5.5 million in GR-D Fund 5157 funding for this program as revenue collections in GR-D Fund 5157 have outpaced the agency's eFiling contract obligations. The agency anticipates revenue collections for the 2020-21 biennium to continue 2018-19 levels of \$44.7 million. Recommendations provide \$39.2 million to the Statewide Electronic Filing System program to pay the remaining balance of the vendor contract, which is set to expire in 2021.

#### **Challenges and Enhancement Opportunities**

- 1 Additional GR-D Fund 5157 funding would allow the agency to implement new technology projects including the development of the agency's fines and fees project, upgrading the TxCourts.gov website, replacing the legacy system used to store judicial branch data, phase 2 of the Statewide Pretrial Assessment Tool, and implementation of a tool for trial courts to increase online dispute resolution.
- 2 OCA must prioritize available funding for use in meeting its vendor contract payments above other possible projects. This could effect the agency's ability to plan and implement such projects without an existing fund balance if revenues fluctuate.

#### **Alternative Funding Options**

1 The anticipated \$5.5 million GR-D Fund 5157 fund balance in the 2020-21 biennium could be utilized to offset a portion of the total cost of the Statewide Case Management System (See also, Selected Fiscal and Policy Issues - Senate #4).

Strategic Fiscal Review Appendix 5i: Program Summary - Senate

(Includes Programs from All Funding Sources - Both Inside and Outside the State Treasury)

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# Program: Judicial Branch Certification Commission

Agency Ranking

Oversees certification, registration, and licensing of court reporters and court reporting firms, professional guardians, process servers, and licensed court interpreters.

Legal Authority: Government Code, Chapters 52, 57, 151, 152, 153, 154, 155, 156, 157

Year Implemented	2014	Performance and/or	Revenue Supported Yes
Authority	Strong	<b>Operational Issues</b> N/A	Appropriate Use of Constitutional and
Centrality	Strong	Outsourced Services No	General Revenue-Dedicated Funds N/A
Service Area	Statewide	State Service(s) Business	& Workforce Development & Regulation

Objects of Expense	2018-19 Estimated / Budgeted	2020-21 Recommended	% of Total Rec. Funding
Personnel Costs	\$ 1,027,007	\$ 1,033,465	84.5%
Operating Costs	\$ 199,453	\$ 189,393	15.5%
Total	\$ 1,226,460	\$ 1,222,858	100.0%

	2020-21	
	Recommended	% of Total
Funds Inside the State Treasury	\$ 1,222,858	100.0%
Funds Outside the State Treasury	\$ -	0.0%
Total	\$ 1,222,858	100.0%





Mission Centrality/Authority					
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1			X		
Authority					

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# Number of New Licenses Issued

#### Summary of Recommendations and Fiscal and Policy Issues

- 1 Recommendations provide \$1.2 million in All Funds for the Judicial Branch Certification Commission. This is a decrease of \$3,602 from 2018-19 spending levels.
- 2 The program is fully funded through fee-generated General Revenue paid by individuals seeking certification to become a Court Reporter, Process Server, and a licensed Court Interpreter.

#### **Challenges and Enhancement Opportunities**

1 Senate Bill 1096, Eighty-fifth Legislature, Regular Session, required all guardians to register with the commission and a background check be conducted for all newly-appointed guardians effective June 1, 2018. The agency reports that as of September 2018, 11,677 guardians have registered through the JBCC and 2,959 have completed training. The agency anticipates that the certification, licensing, and registration population will expand from 7,200 in fiscal year 2018 to 52,000 by fiscal year 2021.

JBCC Fee Schedule:	
Certified Court Reporters & Court Reporting Firms	Licensed Court Interpreters
Application Fee\$200	Application Fee\$200
Renewal Fee\$200	Renewal Fee\$200
Recertification Fee\$400	Recertification Fee\$400
Certified Guardians	Registered Guardianship Programs
Application Fee\$200	Application Fee\$200
Renewal Fee\$200	Renewal Fee\$200
Recertification Fee\$400	Recertification Fee\$400
Certified Process Servers Application Fee\$200 Renewal Fee\$200 Recertification Fee\$400	

Strategic Fiscal Review Appendix 5j: Program Summary - Senate

(Includes Programs from All Funding Sources - Both Inside and Outside the State Treasury)

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# **Program: Court Consulting Services**

Agency Ranking

Provides technical assistance and training to trial courts at all levels on a range of court administration topics.

Legal Authority: Government Code, Chapter 72.023-72.024

Year Implemente	ed 1977	Performance and/or	Revenue Supported	No
Authority	Strong	<b>Operational Issues</b> N/A	Appropriate Use of Constitutional	and
Centrality	Strong	Outsourced Services N/A	General Revenue-Dedicated Funds	s N/A
Service Area	Statewide	State Service(s) Legal Services	s & Law Enforcement	

Objects of Expense	2018-19 Estimated / Budgeted	2020-21 Recommended	% of Total Rec. Funding
Personnel Costs	\$ 272,356	\$ 144,192	97.5%
Operating Costs	\$ 22,975	\$ 3,676	2.5%
Total	\$ 295,331	\$ 147,868	100.0%

2020-21							
		Recommended	% of Total				
Funds Inside the State Treasury	\$	147,868	100.0%				
Funds Outside the State Treasury	\$	-	0.0%				
Total	\$	147,868	100.0%				





Mission Centrality/Authority							
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Authority							

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#### **Recommended Statutory Changes for Program Improvement**

1 Recommendations provide \$147,868 in All Funds for the Court Consulting program. This is a decrease of \$147,463 over 2018-19 spending levels due to a reduction in the Interagency Contract funding for reimbursing the jurist in residence, who acts as the OCA's liaison to judicial branch professional organizations and works with OCA staff within and outside of the Research and Court Services Division to address training and technical assistance needs for the courts.

#### **Recommended Statutory Changes for Program Improvement**

The agency reports that placing oversight of and technical assistance to the states specialty courts within the judicial branch would allow for increased engagement and be beneficial to the populations they serve.

Strategic Fiscal Review Appendix 5k: Program Summary - Senate

(Includes Programs from All Funding Sources - Both Inside and Outside the State Treasury)

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# Program: Language Access

Agency Ranking

Provides guidance and services on language-related issues to all courts statewide. Program staff maintain a list of resources on translation and interpretation in the courts.

Legal Authority: Government Code Sec. 57.002, 72.023; Code of Criminal Procedure Art. 38.30

Year Implemented	2010	Performance and/or	Revenue Supported No
Authority	Strong	<b>Operational Issues</b> N/A	Appropriate Use of Constitutional and
Centrality	Strong	Outsourced Services N/A	General Revenue-Dedicated Funds N/A
Service Area	Statewide	State Service(s) Legal	Services & Law Enforcement

Objects of Expense	2018-19 Estimated / Budgeted		2020-21 Recommended	% of Total Rec. Funding	
Personnel Costs	\$ 275,274	\$	281,006	96.9%	
Operating Costs	\$ 7,761	\$	8,952	3.1%	
Total	\$ 283,035	\$	289,958	100.0%	

	2020-21	
	Recommended	% of Total
Funds Inside the State Treasury	\$ 289,958	100.0%
Funds Outside the State Treasury	\$ -	0.0%
Total	\$ 289,958	100.0%





Mission Centrality/Authority					
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1			X		
Authority					

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#### Summary of Recommendations and Fiscal and Policy Issues

1 Recommendations provide \$289,958 in General Revenue for the Language Access Program. This is an increase of \$6,923 over 2018-19 spending levels.

#### **Challenges and Enhancement Opportunities**

1 The agency reports that additional resources would allow for technology investment in counties where Texas Court Remote Interpreter Services are needed.

#### Alternative Funding Options

1 General Revenue-Dedicated Statewide Electronic Filing System Account No. 5157 funding could be utilized to provide technology support in counties were interpreter services are needed.

**2** Recommendations currently appropriate all estimated balances and revenue amounts to the Statewide Electronic Filing System program, the Statewide Judicial Technology Projects program, and to the Guardianship Compliance program.

Strategic Fiscal Review Appendix 51: Program Summary - Senate

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(Includes Programs from All Funding Sources - Both Inside and Outside the State Treasury)

Agency

Ranking

# **Program: TIDC Administration**

Supports the Commission's staff and internal processes, including Commission meetings.

Legal Authority: Government Code, Chapter 79, Sec. 79.033; General Appropriations Act, 85th Legislature, Regular Session, 2017, Page IV-27, Rider 8, Texas Indigent Defense Commission (TIDC).

Year Implemente	<b>d</b> 2002	Performance and/or		<b>Revenue Supported</b>	No
Authority	Strong	<b>Operational Issues</b>	s N/A	Appropriate Use of Constitutional	and
Centrality	Strong	<b>Outsourced Services</b>	No	General Revenue-Dedicated Funds	Compliant
Service Area	Statewide	State Service(s)	Local Governm	ent & Community Support	

Objects of Expense	2018-19 Estimated / Budgeted	2020-21 Recommended	% of Total Rec. Funding
Personnel Costs	\$ 1,786,446	\$ 1,786,446	76.7%
Operating Costs	\$ 543,530	\$ 543,530	23.3%
Total	\$ 2,329,976	\$ 2,329,976	100.0%

	2020-21	
	Recommended	% of Total
Funds Inside the State Treasury	\$ 2,329,976	100.0%
Funds Outside the State Treasury	\$ -	0.0%
Total	\$ 2,329,976	100.0%





Number of Site Visits, Trainings, and Reports Issued

- 1 Recommendations provide \$2.3 million in General Revenue-Dedicated Fair Defense Account No. 5073 funding for the TIDC Administration program, which continues 2018-19 spending levels (See also, Selected Fiscal and Policy Issues Senate #3).
- 2 Recommendations do not provide \$630,000 in General Revenue-Dedicated Fair Defense Account No. 5073 funding (See also, Items Not Included in Recommendations #11) or estimated appropriation authority as requested by the agency (See also, Items Not Included in Recommendations Senate #9) to work with counties to plan and develop public defender and managed systems. Recommendations also do not provide amending Rider 8, Texas Indigent Defense Commission, to remove language that limits amounts appropriated to TIDC for administrative costs (See also, Items Not Included in Recommendations Senate #10).
- **3** Revenue deposits to GR-D Fund 5073 have increased due to the enactment of Senate Bill 2053, Eighty-fifth Legislature, Regular Session, which increased the percentage of the consolidated court costs allocated to the fund from 8.0143 percent to 17.8448 percent to comply with the Texas Court of Criminal Appeals decision in Salinas v. State, which held that the allocation of consolidated court fees assessed upon criminal conviction must be reduced pro rata to eliminate the percentage of the fee associated with the Abused Children's Counseling Account and the Comprehensive Rehabilitation Account. The fiscal note accompanying the bill estimated an additional \$15.4 million in revenue each year would be deposited to the fund (See also, Selected Fiscal and Policy Issues Senate #3).

#### **Challenges and Enhancement Opportunities**

- 1 Rider 8, Texas Indigent Defense Commission (TIDC), caps the amount of GR-D Fund 5073 funding and FTEs allocated to this program. The agency reports that the inability to increase staffing levels has hindered the commissions ability to fully meet its statutory obligations. The agency has requested that the TIDC's administrative and FTE cap be removed, which would allow the TIDC and their funding to be increased or decreased like all other OCA programs under the agency's cap.
- 2 Fluctuations in consolidated court cost revenue to GR-D Fund 5073 have resulted in inconsistent funding available to the agency for all of the TIDC programs. Revenue from fees assessed upon conviction have been trending downward as jurisdictions move towards alternative sentencing methods for defendants who are unable to pay fines and fees.

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# Summary of Recommendations and Fiscal and Policy Issues

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Agency

Ranking

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#### **Alternative Funding Options**

1 Estimated appropriation authority has been both provided and removed for this program multiple times over the last several biennia, which has resulted in spending fluctuations between biennia. Providing the agency estimated appropriation authority over GR-D Fund 5073 will allow the program to access all fund balances and revenues above amounts appropriated in the agency's bill pattern. This authority was removed by the Eighty-fifth Legislature, Regular Session. Sum-certain amounts of GR-D Fund 5073 of \$33,793,124 in fiscal year 2018 and \$32,642,588 in fiscal year 2019 in Strategy D.1.1, TIDC, were provided with unobligated balance authority between the fiscal years within the biennium to maximize spending flexibility for the agency.

Various pros and cons associated with including estimated appropriation authority include:

#### <u>Pros</u>

- Funds are provided to counties in the fastest time frame.

- Where balances have accrued prior to authority, counties receive more for a two year period.

#### Cons

- Funding provided to counties and programs can be more volatile depending on revenue fluctuations and changes.

- Lower or non-existent balances can effect planning and spending levels for counties and programs over longer periods.

- Where funding is shared between programs in State agencies, limits on spending must be imposed to maintain budgeted funding for programs with sum-certain funding.

Strategic Fiscal Review Appendix 5m: Program Summary - Senate

(Includes Programs from All Funding Sources - Both Inside and Outside the State Treasury)

# Program: TIDC Formula Grants

Agency Ranking

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Provides formula grants to Texas counties to help ensure access to constitutionally-required indigent defense representation. Formula grants are provided to counties consider in compliance with the Fair Defense Act and are allocated to counties based on county population and prior county indigent defense expenditures.

Legal Authority: Government Code, Chapter 79, Section 79.037.

Year Implemented	2002	Performance and/or		Revenue Supported	No
Authority	Strong	<b>Operational Issue</b>	s N/A	Appropriate Use of Constitutional a	nd
Centrality	Strong	<b>Outsourced Services</b>	N/A	General Revenue-Dedicated Funds	Compliant
Service Area	Statewide	State Service(s)	Local Government & (	Community Support	

Objects of Expense	2018-19 Estimated / Budgeted			2020-21 Recommended	% of Total Rec. Funding
Grants	\$	46,532,589	\$	49,660,997	100.0%
Total	\$	46,532,589	\$	49,660,997	100.0%

	2020-21	
	Recommended	% of Total
Funds Inside the State Treasury	\$ 49,660,997	100.0%
Funds Outside the State Treasury	\$ -	0.0%
Total	\$ 49,660,997	100.0%





Mission Centrality/Authority					
	Centrality				
1			X		
Authority					



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#### Summary of Recommendations and Fiscal and Policy Issues

- Recommendations provide \$49.7 million in General Revenue-Dedicated Fair Defense Account No. 5073, which is an increase of \$3.1 million over 2018-19 spending levels. The agency reallocated the funds from the TIDC Discretionary Grants program (See also, Selected Fiscal and Policy Issues - Senate #3).
- 2 Recommendations increase GR-D Fund 5073 funding by \$7.5 million and reduce General Revenue by the same amount. Revenue deposits to GR-D Fund 5073 have increased due to the enactment of Senate Bill 2053, Eighty-fifth Legislature, Regular Session, which increased the percentage of the consolidated court costs allocated to the fund from 8.0143 percent to 17.8448 percent to comply with the Texas Court of Criminal Appeals decision in Salinas v. State, which held that the allocation of consolidated court fees assessed upon criminal conviction must be reduced pro rata to eliminate the percentage of the fee associated with the Abused Children's Counseling Account and the Comprehensive Rehabilitation Account. The fiscal note accompanying the bill estimated an additional \$15.4 million in revenue each year would be deposited to the fund (See also, Selected Fiscal and Policy Issues Senate #3).

3 Recommendations do not provide estimated appropriation authority

#### **Challenges and Enhancement Opportunities**

1 Formula grant funding eligibility does require compliance with several important Fair Defense Act requirements; however, the formula grant program provides funds to effective programs with good oversight and accountability structures at the same level as programs that lack accountability structures. This structure does not provide an incentive to counties to invest in improved indigent defense delivery systems.

- 2 Fluctuations in consolidated court cost revenue to GR-D Fund 5073 have resulted in inconsistent funding available to the agency for all of the TIDC programs. Revenue from fees assessed upon conviction have been trending downward as jurisdictions move towards alternative sentencing methods for defendants who are unable to pay fines and fees.
- **3** Fluctuations in the allowance of estimated appropriation authority resulted in erratic funding due to the spending down of accrued fund balances.

#### **Alternative Funding Options**

1 Providing the agency estimated appropriation authority over GR-D Fund 5073 as it has had in the past. The authority was removed by the Eighty-fifth Legislature, Regular Session, to limit spending based on Legislative policy applied to all agencies.

Strategic Fiscal Review Appendix 5n: Program Summary - Senate

(Includes Programs from All Funding Sources - Both Inside and Outside the State Treasury)

# Program: TIDC Discretionary Grants

Agency Ranking 14 out of 22

Provides competitive grants to counties for programs that improve indigent defense by increasing accountability, quality, and transparency.

Legal Authority: Government Code, Sec. 79.037.

Year Implemented	2004	Performance and/or	r	Revenue Supported	No
Authority	Strong	<b>Operational Issue</b>	₩N/A	Appropriate Use of Constitutional a	nd
Centrality	Strong	Outsourced Services	s No	General Revenue-Dedicated Funds	Compliant
Service Area	Statewide	State Service(s)	Local Government & 0	Community Support	

	2018-19 Estimated / Budgeted		2020-21 Becommonded	% of Total Rec.
Objects of Expense	Estimated / Budgeted		Recommended	Funding
Grants	\$ 11,119,121	\$	26,063,841	99.5%
Operating Costs	\$ 213,128	\$	140,000	0.5%
Total	\$ 11,332,249	\$	26,203,841	100.0%

2020-21					
		Recommended	% of Total		
Funds Inside the State Treasury	\$	26,203,841	100.0%		
Funds Outside the State Treasury	\$	-	0.0%		
Total	\$	26,203,841	100.0%		





Mission Centrality/Authority						
	Centrality		>			
1			X			
Authority						

# **Program: TIDC Discretionary Grants**

#### Agency Rankina

14 out of 22



\*Increase in Consolidated Court Cost revenue due to the enactment of Senate Bill 2053 (85R)

#### Summary of Recommendations and Fiscal and Policy Issues

- Recommendations provide \$26.2 million in General Revenue-Dedicated Fair Defense Account No. 5073 funding to the TIDC Discretionary Grant program. This is an increase of \$14.9 million over 2018-19 spending levels. (See also, Selected Fiscal and Policy Issues - Senate #3).
- 2 Recommendations increase GR-D Fund 5073 funding by \$18.0 million in the 2020-21 biennium. The agency reallocated \$3.1 from the program to the TIDC Formula Grants program, resulting in an overall increase in funding by \$14.9 million.

3 Recommendations do not provide estimated appropriation authority.

#### **Recommended Statutory Changes for Program Improvement**

1 Statutory changes that promote counties to move towards establishing managed indigent defense systems and public defender systems would improve the effectiveness of the program.

#### Challenges and Enhancement Opportunities

- 1 The standard grant funding schedule provides 80 percent funding in the first year, 60 percent in the second year, 40 percent in the third year, 20 percent in the fourth year, and then transitions to countybased funding. This presents a challenge to many rural counties who are unable to provide 100% funding to defense systems once the grant funding is no longer available.
- 2 Developing and implementing public defender offices and managed systems through discretionary grants requires more staff time and oversight versus the formula grant process. Developing these systems requires working with local stakeholders and monitoring new program implementation to ensure compliance with the Fair Defense Act. The agency has reported that its reduced efficiency and effectiveness in processing discretionary grants without additional FTEs may support shifting the additional funding into the TIDC Formula Grant program.
- **3** Fluctuations in consolidated court cost revenue to GR-D Fund 5073 have resulted in inconsistent funding available to the agency for all of the TIDC programs. Revenue from fees assessed upon conviction have been trending downward as jurisdictions move towards alternative sentencing methods for defendants who are unable to pay fines and fees.

#### Alternative Funding Options

 Providing the agency estimated appropriation authority over GR-D Fund 5073 as it has had in the past. The authority was removed by the Eighty-fifth Legislature, Regular Session, to limit spending based on Legislative policy applied to all agencies.

Strategic Fiscal Review Appendix 50: Program Summary - Senate

(Includes Programs from All Funding Sources - Both Inside and Outside the State Treasury)

# Program: Texas Forensic Science Commission

Agency Ranking

15 out of 22

The commission investigates allegations of professional negligence or misconduct against accredited crime laboratories; manages the self-disclosure program for all accredited laboratories; serves as the statewide accrediting body for crime laboratories; and is the licensing authority for forensic analysts.

Legal Authority: Code of Criminal Procedure, Article 38.01; 38.35;42 U.S.C. 3797k(4)

Year Implemented	2005	Performance and/or		Revenue Supported	No
Authority	Strong	<b>Operational Issue</b>	s N/A	Appropriate Use of Constitutional a	nd
Centrality	Strong	<b>Outsourced Services</b>	N/A	General Revenue-Dedicated Funds	Compliant
Service Area	Statewide	State Service(s)	Legal Services & Law	Enforcement	

Objects of Expense	2018-19 Estimated / Budgeted		2020-21 Recommended	% of Total Rec. Funding
Personnel Costs	\$ 803,908	\$	841,878	68.1%
Operating Costs	\$ 432,092	\$	394,122	31.9%
Total	\$ 1,236,000	\$	1,236,000	100.0%

	2020-21	
	Recommended	% of Total
Funds Inside the State Treasury	\$ 1,236,000	100.0%
Funds Outside the State Treasury	\$ -	0.0%
Total	\$ 1,236,000	100.0%





15 out of 22

FSC License Fee Schedule:	
Forensic Analyst License\$	5220
Forensic Technician License	\$220
Biological Screener License	\$150
Note: Licenses must be renewed every tw	o years

#### Summary of Recommendations and Fiscal and Policy Issues

- 1 Recommendations provide \$1.2 million in All Funds for the Texas Forensic Science Commission program, which continues 2018-19 spending levels. Recommendations increase General Revenue-Dedication Texas Forensic Science Commission Account No. 5173 funding by \$191,800 and reduce General Revenue by the same amount due to anticipated revenue increases from the collection from the licensing fees for forensic analysts (See also, Selected Fiscal and Policy Issues Senate #5).
- 2 Recommendations do not grant the agency estimated appropriation authority over GR-D Fund 5173 to allow the commission to access all revenues to administer its duties (See also, Items Not Included in Recommendations Senate #6).

#### **Recommended Statutory Changes for Program Improvement**

1 Amend Art. 38.01, the commissions enabling statute, to allow the Forensic Science Commission to establish an Interagency Contract with the Judicial Branch Certification Commission to process the licensing of forensic analysts more efficiently through its existing systems and processes.

#### **Challenges and Enhancement Opportunities**

- Historical revenue trends are unavailable making it difficult to predict potential fluctuations in the fund balance and the level of fee increase to totally offset the cost of the program. All forensic analyst are required to be certified and licensed by January 1, 2019 and must renew every two years.
- 2 The quality of forensic science continues to increase due to advancements in technology and its use as evidence in the criminal justice system warrants transparency and oversight. As the statewide population grows, new laboratories will be brought on line with new analysts, increasing population the Commission serves.

#### **Alternative Funding Options**

1 Increasing the fees for certification and renewal of licenses for forensic analysts to provide more fee generated revenue for program operations. The agency anticipates 750 licenses to be to granted in fiscal year 2019 and 50 additional license to be granted each subsequent year. Since the number of forensic analysts is small compared to the other certification programs, fee generated General Revenue may be insufficient to cover all Commission expenditures.

Strategic Fiscal Review Appendix 5p: Program Summary - Senate

(Includes Programs from All Funding Sources - Both Inside and Outside the State Treasury)

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# Program: Court Improvement Program (CIP) Technology Project

Agency Ranking

Provides case management and video conferencing for Child Protection Courts program.

Legal Authority: Family Code Sec. 210.207; Government Code Sec. 72.022.

Year Implemente	ed 2007	Performance and/or	Revenue Supported No	
Authority	Strong	<b>Operational Issues</b> N/A	Appropriate Use of Constitutional and	
Centrality	Strong	Outsourced Services N/A	General Revenue-Dedicated Funds N/A	A
Service Area	Statewide	State Service(s) Legal Services	& Law Enforcement	

	2018-19		2020-21	% of Total Rec.	
Objects of Expense	Estimated / Budgeted		Recommended	Funding	
Personnel Costs	\$ 336,538	\$	336,538	81.5%	
Operating Costs	\$ 76,010	\$	76,230	18.5%	
Total	\$ 412,548	\$	412,768	100.0%	

2020-21						
		Recommended	% of Total			
Funds Inside the State Treasury	\$	412,768	100.0%			
Funds Outside the State Treasury	\$	-	0.0%			
Total	\$	412,768	100.0%			





Mission Centrality/Authority						
		Centrality		>		
				X		
Authority						

#### Summary of Recommendations and Fiscal and Policy Issues

16 out of 22

1 Recommendations provide \$412,768 in Interagency Contract funds for the Court Improvement Program Technology Project program, which is an increase of \$220 over 2018-19 spending levels. Total funding is provided through an Interagency Contract consisting of Federal Funds through the Supreme Courts' Children's Commission.

#### **Challenges and Enhancement Opportunities**

2 Current funding is dependent on available federal funding provided to the Supreme Courts' Children's Commission. If federal funding for the Children's Commission is decreased or eliminated the agency would have to reallocate General Revenue funding from existing programs.

#### **Alternative Funding Options**

- 1 General Revenue-Dedicated Statewide Electronic Filing System Account No. 5157 funds could be used to support this program if the Children's Commission funding is reduced or eliminated depending on the amount of those revenues. Funding would have to provide for the benefit costs currently funded with Federal Funds for 2.0 FTEs in the program.
- 2 Recommendations currently appropriate all estimated balances and revenue amounts to the Statewide Electronic Filing System program, the Statewide Judicial Technology Projects program, and to the Guardianship Compliance program.

Authority

Centrality

Mission Centrality/Authority

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Office of Court Administration, Texas Judicial Council

Strategic Fiscal Review Appendix 5q: Program Summary - Senate

(Includes Programs from All Funding Sources - Both Inside and Outside the State Treasury)

Agency

Ranking

# Program: TIDC Distributions to Counties Implementing Cost Containment Initiatives

Provides grants to counties for cost containment indigent defense programs.

General Appropriations Act, 85th Legislature, Regular Session, 2017, Page IV-27, Rider 8, Texas Indigent Defense Commission (TIDC). Legal Authority:

Year Implemented	2018	Performance and/c	or	Revenue Supported	No
Authority	Strong	Operational Issu	Je N∕A	Appropriate Use of Constitutional a	nd
Centrality	Strong	Outsourced Service	es N/A	General Revenue-Dedicated Funds	Compliant
Service Area	Statewide	State Service(s)	Local Government	& Community Support	

Objects of Expense	2018-19 Estimated / Budgeted		2020-21 Recommended		% of Total Rec. Funding
Grants	\$	5,040,898	\$	5,040,898	100.0%
Total	\$	5,040,898	\$	5,040,898	100.0%

	2020-21	
	Recommended	% of Total
Funds Inside the State Treasury	\$ 5,040,898	100.0%
Funds Outside the State Treasury	\$ -	0.0%
Total	\$ 5,040,898	100.0%



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17 out of 22

Program: TIDC Distributions to Counties Implementing Cost Containment Initiatives

Fi	Fiscal Year 2018 Cost Containment Grants						
County	Program Total	Grant Total <sup>1</sup>	%				
Atascosa	TechShare Indigent Defense	\$7,250	0.2%				
Вее	Mental Health Social Worker Public Defender	\$35,880	1.2%				
Bexar	Representation for Mentally III Defendants at Magistration	\$116,254	3.9%				
Dallas	TechShare Indigent Defense	\$146,975	4.9%				
El Paso	Public Defender Mental Health Advocacy and Litigation Unit	\$840,273	28.1%				
Henderson	TechShare Indigent Defense	\$10,750	0.4%				
Kaufman	TechShare Indigent Defense	\$11,275	0.4%				
Lubbock	RPDO Sustainability Grant <sup>2</sup>	\$1,450,000	48.6%				
Nueces	Pre-Trial Assessment Initiative	\$121,815	4.1%				
Smith	Mental Health Defender Program	\$68,800	2.3%				
Travis	Holistic Defense Program <sup>3</sup>	\$177,230	5.9%				
	Grand Total	\$2,986,502					
Note: 1. Cost contain	ment portion of the grant.						

Summary of Recommendations and Fiscal and Policy Issues

17 out of 22

1 Recommendations provide \$5.0 million in General Revenue-Dedicated Fair Defense Account No. 5073 funding for the TIDC Distributions to Counties Implementing Cost Containment Initiatives program, which continues 2018-19 spending levels.

#### **Challenges and Enhancement Opportunities**

Agency

Ranking

1 The agency reports that most counties rely on private assigned counsel systems with limited local oversight. Encouraging counties to move towards public defender offices and managed assigned counsel systems will increase accountability, quality, and budget predictability.

2. Does not include General Revenue.

3. Mental health portion of the grant.

Strategic Fiscal Review Appendix 5r: Program Summary - Senate

(Includes Programs from All Funding Sources - Both Inside and Outside the State Treasury)

Program:	Price	of	Justice	Grant
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Agency Ranking 18 out of 22

Provided funding to develop and implement a tool to help judges determine a defendants ability to pay their fines, fees, and court costs; and to assist in tracking the defendants' assigned alternatives to payment (i.e., community service, training, education) for those deemed unable to pay.

Legal Authority: General Appropriations Act, 85th Legislature, Office of Court Administration, Page IV-26, Rider 3. Information Services for the Trial Courts.; Federal Grant through the Department of Justice.

		2018-19	2020-21	% of Total Rec.	
Service Area	Statewide	State Service(s) Lega	l Services & Law Enforcement	t	
Centrality	Strong	Outsourced Services N/A	General R	evenue-Dedicated Fund	ds N/A
Authority	Strong	<b>Operational Issues</b> N/A	Appropria	te Use of Constitutiona	l and
Year Implemented	2016	Performance and/or	Revenue S	upported	No

Objects of Expense	Estimated / Budgeted		Recommended		% of Total Rec. Funding	
Operating Costs	\$	499,984	\$	-	0.0%	
Total	\$	499,984	\$	-	0.0%	

	2020-21	
	Recommended	% of Total
Funds Inside the State Treasury	\$ -	0.0%
Funds Outside the State Treasury	\$ -	0.0%
Total	\$ -	0.0%



	Mission Centrality/Authority							
	Centrality							
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Auth	ority							

18 out of 22

#### Summary of Recommendations and Fiscal and Policy Issues

1 One-time funding through the Price of Justice grant awarded to the agency in the 2018-19 biennium provided an "ability to pay" calculator tool for defendants who are unable to pay court levied fines and fees and a tracking tool for community services hours in lieu of payment.

#### **Challenges and Enhancement Opportunities**

1 This program is under development at the state level. The funding provided by the grant covered the development of the tool through the pilot and implementation phases.

2 Additional resources would allow for further refinement of the tool after its initial implementation.

#### **Alternative Funding Options**

- 1 Government Code §51.852(3) states that funds from General Revenue-Dedicated Statewide Electronic Filing System Account No. 5157 may be appropriated to "support court technology projects that have a statewide impact". The agency may utilize these funds to provide direct technology support and upgrade the courts' case management system.
- 2 Recommendations currently appropriate all estimated balances and revenue amounts to the Statewide Electronic Filing System program, the Statewide Judicial Technology Projects program, and to the Guardianship Compliance program.

Strategic Fiscal Review Appendix 5s: Program Summary - Senate

(Includes Programs from All Funding Sources - Both Inside and Outside the State Treasury)

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# **Program: Collection Improvement Program**

Agency Ranking

Supports cities and counties in the management of their cost, fines, and fees collections programs and reviews compliance with rule requirements.

Legal Authority: Code of Criminal Procedure, Article 103.0033; 1 Texas Administrative Code 175

Year Implemented	2005	Performance and/or	Revenue Supported No
Authority	Strong	<b>Operational Issues</b> N/A	Appropriate Use of Constitutional and
Centrality	Moderate	Outsourced Services N/A	General Revenue-Dedicated Funds N/A
Service Area	Statewide	State Service(s) Legal Services &	& Law Enforcement

Objects of Expense	2018-19 Estimated / Budgeted	2020-21 Recommended	% of Total Rec. Funding
Personnel Costs	\$ 541,250	\$ 449,914	85.6%
Operating Costs	\$ 77,860	\$ 75,426	14.4%
Total	\$ 619,110	\$ 525,340	100.0%

2020-21							
		Recommended	% of Total				
Funds Inside the State Treasury	\$	525,340	100.0%				
Funds Outside the State Treasury	\$	-	0.0%				
Total	\$	525,340	100.0%				





Mission Centrality/Authority								
		Centrality						
- 1			Х					
Auth	Authority							

19 out of 22

#### Summary of Recommendations and Fiscal and Policy Issues

- 1 Recommendations provide \$525,340 in General Revenue for the Collection Improvement Program. This is a decrease of \$93,770 over 2018-19 spending levels. The agency's efforts have shifted from supporting the creation of voluntary programs to educating the courts and local collection programs on the requirements of Senate Bill 1913, Eighty-fifth Legislature, Regular Session, which requires that ability to pay inquires be made for all defendants and expands alternative to pay options (See also, Rider Highlights Senate #9).
- **2** The agency reallocated program funding and FTE's after Senate Bill 1913, Eighty-fifth Legislature, Regular Session, raised the population threshold governing what counties and cities must have a program from 50,000 to 100,000, which resulted in a 30.0 percent decrease in the number of mandatory programs.

#### **Challenges and Enhancement Opportunities**

1 The agency reports that performance reporting to assess the impact of the program compared to benchmark 2005 court cost revenue levels has become difficult due to population growth, declining caseloads, and fluctuating court costs.

# 1/23/2019

# Office of Court Administration, Texas Judicial Council

Strategic Fiscal Review Appendix 5t: Program Summary - Senate

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(Includes Programs from All Funding Sources - Both Inside and Outside the State Treasury)

#### Program: TIDC Innocence Projects

Provides funds to innocence projects at the six public law schools at \$100,000/year to each law school. These projects organize law students who work with attorneys to investigate and litigate claims of actual innocence from Texas inmates.

Agency

Ranking

Legal Authority: General Appropriations Act, 85th Legislature, Regular Session, 2017, Page IV-27, Rider 11, Innocence Projects.

Year Implemented	2006	Performance and/or		Revenue Supported	No
Authority	Strong	Operational Issue	n N∕A	Appropriate Use of Constitutional ar	nd
Centrality	Moderate	Outsourced Services	i No	General Revenue-Dedicated Funds	Compliant
Service Area	Statewide	State Service(s)	Local Government & (	Community Support	

Objects of Expense	2018-19 Estimated / Budgeted		2020-21 Recommended		% of Total Rec. Funding	
Operating Costs	\$	1,200,000	\$	1,200,000	100.0%	
Total	\$	1,200,000	\$	1,200,000	100.0%	

	2020-21	
	Recommended	% of Total
Funds Inside the State Treasury	\$ 1,200,000	100.0%
Funds Outside the State Treasury	\$ -	0.0%
Total	\$ 1,200,000	100.0%



Mission Centrality/Authority					
	Centrality				
1		X			
Authority					

20 out of 22



Strategic Fiscal Review Appendix 5u: Program Summary - Senate

(Includes Programs from All Funding Sources - Both Inside and Outside the State Treasury)

# Program: Statewide eCitation System

Agency Ranking

21 out of 22

The system was to streamline the current citation process by creating a standard set of citation data elements, including standardized codes where possible, and providing better integration of traffic records between local law enforcement, the courts, and state agencies.

0.0%

0.0%

0.0%

Legal Authority: Texas Transportation Code, Chapter 723, the Traffic Act of 1967, and the Highway Safety Performance Plan for Fiscal Year 2018

Objects of Expense	÷	2018-19 Estimated / Budgeted	2020-21 Recommended	% of Total Rec. Funding	
Service Area	Statewide	State Service(s) Legal Ser	vices & Law Enforcement		
Centrality	Moderate	Outsourced Services N/A	General Re	venue-Dedicated Funds	N/A
Authority	Moderate	<b>Operational Issues</b> N/A	Appropriate	e Use of Constitutional a	nd
Year Implemented	2016	Performance and/or	Revenue Su	pported	No

60,884

104,049

164,933

\$

\$

\$

	2020-21	
	Recommended	% of Total
Funds Inside the State Treasury	\$ -	0.0%
Funds Outside the State Treasury	\$ -	0.0%
Total	\$ -	0.0%



\$

\$

\$



Mission Centrality/Authority							
	Centrality						
<b>I 1</b>							
		X					
Authority							

**Operating Costs** 

Personnel Costs

Total

21 out of 22

# Summary of Recommendations and Fiscal and Policy Issues

1 One-time funding for this program was provided through a grant received from a National Highway and Safety Act Traffic Safety grant, administered by the Texas Department of Transportation, to develop a statewide eCitation System. The project was cancelled in May of 2018.

Strategic Fiscal Review Appendix 5v: Program Summary - Senate

(Includes Programs from All Funding Sources - Both Inside and Outside the State Treasury)

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# **Program: Docket Equalization**

Agency Ranking

Provides funding to support the Supreme Court's transfer of cases from one court of appeals to another.

Legal Authority: Government Code, Ch. 74.003 (c)

Year Implemented	0	Performance and/or		Revenue Supported	No
Authority	Strong	<b>Operational Issue</b>	n N∕A	Appropriate Use of Constitutional ar	nd
Centrality	Moderate	Outsourced Services	s N/A	General Revenue-Dedicated Funds	N/A
Service Area	Statewide	State Service(s)	Legal Services & Law	Enforcement	

Objects of Expense	2018-19 Estimated / Budgeted		2020-21 Recommended		% of Total Rec. Funding	
Operating Costs	\$	10,000	\$	-	0.0%	
Total	\$	10,000	\$	-	0.0%	

	2020-21	
	Recommended	% of Total
Funds Inside the State Treasury	\$ -	0.0%
Funds Outside the State Treasury	\$ -	0.0%
Total	\$ -	0.0%



Mi	ssion Centr	ality/Auth	ority
	Centrality		
1		X	
Authority			

22 out of 22

#### Summary of Recommendations and Fiscal and Policy Issues

1 Recommendations include the transfer of the Docket Equalization Program with \$10,000 in General Revenue funding, to the Judiciary Section, Comptrollers Department in the 2020-21 biennium. Historically, the program paid for travel expenses incurred by appellate justices and their staff who traveled to hear cases transferred to them for disposition by the Supreme Court of Texas with OCA staff processing the travel claims in accordance with state travel regulations. Recommendations transfer program responsibilities for processing these travel claims to the Judiciary Section, Comptroller's Department because these obligations align closer to the accounting functions of the Judiciary Section (See also, Selected Fiscal and Policy Issues - Senate #6).

# Office of Court Administration, Texas Judicial Council Strategic Fiscal Review Appendix 6: Program and Strategies Crosswalk - Senate

Agency Ranking	Program	Strategy
		1.1.1 Court Administration
1	Indirect Administration	1.1.2 Information Technology
2	Judicial Information	1.1.1 Court Administration
		1.1.2 Information Technology
		2.1.1 Child Support Courts Program
3	Child Protection Courts	2.1.2 Child Protection Courts Program
4	Child Support Courts	2.1.1 Child Support Courts Program
		1.1.1 Court Administration
5	Guardianship Compliance Program	1.1.2 Information Technology
		1.1.1 Court Administration
6	Court Security and Emergency Preparedness	1.1.2 Information Technology
7	Statewide Electronic Filing System	1.1.2 Information Technology
8	Statewide Judicial Technology Projects	1.1.2 Information Technology
9	Judicial Branch Certification Commission	3.1.1 Judicial Branch Certification Comm
		1.1.1 Court Administration
10	Court Consulting Services	1.1.2 Information Technology
11	Language Access	1.1.1 Court Administration
12	TIDC Administration	4.1.1 Tx Indigent Defense Comm
13	TIDC Formula Grants	4.1.1 Tx Indigent Defense Comm
14	TIDC Discretionary Grants	4.1.1 Tx Indigent Defense Comm
15	Texas Forensic Science Commission	1.1.3 Texas Forensic Science Commission
16	Court Improvement Program (CIP) Technology Project	1.1.2 Information Technology
17	TIDC Distributions to Counties Implementing Cost Containment Initiatives	4.1.1 Tx Indigent Defense Comm
18	Price of Justice Grant	
19	Collection Improvement Program	1.1.1 Court Administration
20	TIDC Innocence Projects	4.1.1 Tx Indigent Defense Comm
21	Statewide eCitation System	
22	Docket Equalization	1.1.4 Docket Equalization

Note: Indirect administration program names are italicized.

# Office of Court Administration, Texas Judicial Council Appendices - Senate

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с	FTE Highlights	74						
D	Performance Measure Highlights	*						
E	Summary of Ten Percent Biennial Base Reduction Options	75						

\* Appendix is not included - no significant information to report

 $^{\ast\ast}$  Information is included in the presentation section of the packet

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# Office of Court Administration, Texas Judicial Council Funding Changes and Recommendations - Senate, by Strategy -- ALL FUNDS

Strategy/Goal	2018-19 Base	2020-21 Recommended	Biennial Change	% Change	
COURT ADMINISTRATION A.1.1	\$7,203,413	\$6,958,341	(\$245,072)	(3.4%)	Recommendations reflect:
					1) a reduction of \$18,955 in Interagency Contracts due to reimbursements for the jurist in residence anticipated to be lower in the 2020-21 biennium;
					2) a reduction of \$150,505 in Interagency Contracts due to the expiration of the Domestic Violence Resources/Training grant; and
					3) a reduction of \$79,214 due to the the expiration of the NCSC-SJI Civil Justice grant.
					4) an increase of \$3,602 in residual Texas.gov authority redistributed.

# Office of Court Administration, Texas Judicial Council Funding Changes and Recommendations - Senate, by Strategy -- ALL FUNDS

Strategy/Goal INFORMATION TECHNOLOGY A.1.2	<b>2018-19</b> Base \$53,959,262	<b>2020-21</b> Recommended \$47,384,659	<b>Biennial</b> Change (\$6,574,603)	Change Comments
				1) a reduction of \$5,523,030 million in GR-D Statewide Electronic Filing System Account No. 5157 funding due to revenues antinipated to exceed the Statewide Electronic Filing System vendor contract;
				2) a reduction of \$499,984 in Federal Funds due to the expiration of the 2018-19 Price of Justice Federal grant;
				3) a reduction of \$410,795 in Appropriated Receipts due to estimated revenues from third party reimbursements for IT equipment anticipated to be lower in the 2020-21 biennium; and
				4) a reduction of \$140,794 in Interagency Contracts due to the canncellation of the Texas Department of Transportation eCitation grant in the 2018-19 biennium.
TEXAS FORENSIC SCIENCE COMMISSION A.1.3	\$1,236,000	\$1,236,000	\$0	0.0%
DOCKET EQUALIZATION A.1.4	\$10,000	\$O	(\$10,000)	(100.0%)
ASSIST ADMIN JUDICIAL REGIONS A.1.5	\$0	\$O	\$0	0.0%
Total, Goal A, PROCESSES AND INFORMATION	\$62,408,675	\$55,579,000	(\$6,829,675)	(10.9%)
CHILD SUPPORT COURTS PROGRAM B.1.1	\$16,017,178	\$16,017,178	\$0	0.0%
CHILD PROTECTION COURTS PROGRAM B.1.2	\$9,238,230	\$8,896,994	(\$341,236)	(3.7%) Recommendations reflect a reduction of Interagency Contract funding from the Supreme Courts' Children's Commission for the Dallas Permanent Managing Conservatorship Court no longer being continued.
Total, Goal B, ADMINISTER CHILDREN'S COURTS	\$25,255,408	\$24,914,172	(\$341,236)	(1.4%)

# Office of Court Administration, Texas Judicial Council Funding Changes and Recommendations - Senate, by Strategy -- ALL FUNDS

<b>Strategy/Goal</b> JUDICIAL BRANCH CERTIFICATION COMM C.1.1 TEXAS.GOV C.1.2	<b>2018-19</b> Base \$1,222,858 \$3,602	<b>2020-21</b> Recommended \$1,222,858 \$0	<b>Biennial</b> <b>Change</b> \$0 (\$3,602)	% Change 0.0% (100.0%)	Comments
Total, Goal C, CERTIFICATION AND COMPLIANCE	\$1,226,460	\$1,222,858	(\$3,602)	(0.3%)	
TX INDIGENT DEFENSE COMM D.1.1	\$66,435,712	\$84,435,712	\$18,000,000		Recommendations reflect an increase in General Revenue-Dedicated Fair Defense Account No. 5073 funding for discretionary grants to counties to develop and sustain public defender and managed systems (See also, Selected Fiscal and Policy Issue - Senate #3).
Total, Goal D, INDIGENT DEFENSE	\$66,435,712	\$84,435,712	\$18,000,000	27.1%	
Grand Total, All Strategies	\$155,326,255	\$166,151,742	\$10,825,487	7.0%	

Full-Time-Equivalent Positions	Expended 2017	Estimated 2018	Budgeted 2019	Recommended 2020	Recommended 2021
Сар	239.6	236.6	236.6	264.6	264.6
Actual/Budgeted	229.0	227.7	236.6	NA	NA
Schedule of Exempt Positions (Cap)					
Administrative Director	\$161,868	\$171,216	\$196,800	\$196,800	\$196,800

Notes:

a) Recommendations provide an additional 28.0 FTEs for the Guardianship Compliance Program each fiscal year (See also, Selected Fiscal and Policy Issue - Senate #2)

b) Sec 8, Schedule of Exempt Positions, in the Special Provisions - Judiciary, authorizes the Chief Justice of the Supreme Court of Texas to set the salary for the Director of the Office of Court Administration in an amount within the salary group for that position. The Chief Justice increased the salary of the Administrative Director of the Office of Court Administrations to \$196,800 effective October 1, 2018 (See also, Selected Fiscal and Policy Issues - Senate #7).

c) The State Auditor's Office, Executive Compensation at State Agencies (Report 18-708, August 2018), indicates a market average of \$182,411 for the Administrative Director position at the OCA.

# Office of Court Administration, Texas Judicial Council Summary of Ten Percent Biennial Base Reduction Options Recommendations - Senate

			Biennial	Reduction Am	ounts	ן			
Priority	ltem	Description/Impact	GR & GR-D	All Funds	FTEs	Potential Revenue Loss	Reduction as % of Program GR/GR-D Total	Program GR/GR-D Total	Included in Introduced Bill?
1)	Reduction in TIDC Grant Awards	TIDC will make a proportionate reduction in formula grant and discretionary grant awards across all counties.	\$1,900,144	\$1,900,144	0.0	\$0	2.5%	\$66,435,712	No
2)	Reduction in TIDC Grant Awards	Same as above.	\$1,900,142	\$1,900,142	0.0	\$0	2.5%	\$66,435,712	No
3)	Reduction in TIDC Grant Awards	Same as above.	\$1,900,142	\$1,900,142	0.0	\$0	2.5%	\$66,435,712	No
4)	Reduction in TIDC Grant Awards	Same as above.	\$1,900,143	\$1,900,143	0.0	\$0	2.5%	\$66,435,712	No
5)	Reduction of Child Protection Courts	Reducing 2 judges and 2 court coordinators to 30 hours per week.	\$182,280	\$182,280	1.0	\$0	2.5%	\$8,896,994	No
6)	Reduction of Child Protection Courts	Reducing 2 judges and 2 court coordinators to 20 hours per week.	\$182,281	\$182,281	1.0	\$0	2.5%	\$8,896,994	No
7)	Reduction of Child Protection Courts	Reducing 2 judges and 2 court coordinators to 10 hours per week.	\$182,280	\$182,280	1.0	\$0	2.5%	\$8,896,994	No
8)	Reduction of Child Protection Courts	Reducing 2 judges and 2 court coordinators an additional 10 hours per week, thereby eliminating the court staff and services provided by the courts.	\$182,281	\$182,281	1.0	\$0	2.5%	\$8,896,994	No
9)	Reduction of Child Support Courts	Reducing Judge and Court Coordinator in four child support courts to 30 hours per week. This reduction results in a loss of federal funds, transferred to the agency by the Office of Attorney General through an Interagency contract.	\$132,048	\$132,048	2.0	\$0	2.5%	\$16,017,178	No
10)	Reduction of Child Support Courts	Reducing Judge and Court Coordinator in four child support courts to 20 hours per week. This reduction results in a loss of federal funds, transferred to the agency by the Office of Attorney General through an Interagency contract.	\$132,048	\$132,048	2.0	\$0	2.5%	\$16,017,178	No
11)	Reduction of Child Support Courts	Reducing Judge and Court Coordinator in four child support courts to 10 hours per week. This reduction results in a loss of federal funds, transferred to the agency by the Office of Attorney General through an Interagency contract.	\$132,049	\$132,049	2.0	\$0	2.5%	\$16,017,178	No
12)	Reduction of Child Support Courts	Reducing Judge and Court Coordinator in four child support courts to zero hours per week, eliminating the function of four courts. This reduction results in a loss of federal funds, transferred to the agency by the Office of Attorney General through an Interagency contract.	\$132,048	\$132,048	2.0	\$0	2.5%	\$16,017,178	No

# Office of Court Administration, Texas Judicial Council Summary of Ten Percent Biennial Base Reduction Options Recommendations - Senate

			Biennial Reduction Amounts						
Priority	ltem	Description/Impact	GR & GR-D	All Funds	FTEs	Potential Revenue Loss	Reduction as % of Program GR/GR-D Total	Program GR/GR-D Total	Included in Introduced Bill?
13)	Reduction of FTE's in Court Administration	Eliminating six FTEs in Language Access, Research and Court Services, Collection Improvement Program Audit and Guardianship Compliance. Eliminating. This reduction will impair court interpretation services for the courts, data collection, reduce audit capabilities for the CIP program and reduce the assistance OCA is providing the courts regarding guardianship cases. Included is an across the board reduction in Information Technology.	\$211,421	\$211,421	6.0	\$0	2.5%	\$6,958,341	No
14)	Reduction of FTE's in Court Administration	Reducing six FTEs in Language Access, Research and Court Services, Collection Improvement Program Audit and Guardianship down to 20 hours a week. Reducing Audit division operating expenses by one quarter. This reduction will impair court interpretation services for the courts, data collection, reduce audit capabilities for the CIP program and reduce the assistance OCA is providing the courts regarding guardianship cases. Included is an across the board reduction in Information Technology.	\$211,421	\$211,421	3.0	\$0	2.5%	\$6,958,341	No
15)	Reduction of FTE's in Court Administration	Reducing six FTEs in Language Access, Research and Court Services, Collection Improvement Program Audit and Guardianship down to 30 hours a week. Reducing Audit division operating expenses by one quarter. This reduction will impair court interpretation services for the courts, data collection, reduce audit capabilities for the CIP program and reduce the assistance OCA is providing the courts regarding guardianship cases. Included is an across the board reduction in Information Technology.	\$211,421	\$211,421	1.5	\$0	2.5%	\$6,958,341	No

# Office of Court Administration, Texas Judicial Council Summary of Ten Percent Biennial Base Reduction Options Recommendations - Senate

			Biennial	<b>Reduction Am</b>	ounts				
Priority	ltem	Description/Impact	GR & GR-D	All Funds	FTEs	Potential Revenue Loss	Reduction as % of Program GR/GR-D Total	Program GR/GR-D Total	Included in Introduced Bill?
16)	Reduction of FTE's in Court Administration	Reducing six FTEs in Language Access, Research and Court Services, Collection Improvement Program Audit and Guardianship down to 10 hours a week. Reducing Audit division operating expenses by one quarter. This reduction will impair court interpretation services for the courts, data collection, reduce audit capabilities for the CIP program and reduce the assistance OCA is providing the courts regarding guardianship cases. Included is an across the board reduction in Information Technology.	\$211,421	\$211,421	4.5	\$0	2.5%	\$6,958,341	No

TOTAL, 10% Reduction Options	\$9,703,570 \$9,703,570	27.0	\$0	