

ANALYSIS OF THE NEW JERSEY  
FISCAL YEAR 1998 - 1999 BUDGET



THE JUDICIARY

PREPARED BY  
OFFICE OF LEGISLATIVE SERVICES  
NEW JERSEY LEGISLATURE  
APRIL 1998

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# THE JUDICIARY

Budget Pages..... D-341 to D-348

## Fiscal Summary (\$000)

	Expended FY 1997	Adjusted. Appropriation FY 1998	Recommended FY 1999	Percent Change 1998-99
State Budgeted	\$357,267	\$366,685	\$366,181	(0.1)%
Federal Funds	41,761	50,723	50,272	(0.9)%
<u>Other</u>	<u>16,828</u>	<u>16,585</u>	<u>17,242</u>	<u>4.0%</u>
Grand Total	\$415,856	\$433,993	\$433,695	(0.1)%

## Personnel Summary - Positions By Funding Source

	Actual FY 1997	Revised FY 1998	Funded FY 1999	Percent Change 1998-99
State	7,582	7,412	7,839	5.8%
Federal	1,173	1,159	1,308	12.9%
<u>Other</u>	<u>161</u>	<u>167</u>	<u>173</u>	<u>3.6%</u>
Total Positions	8,916	8,738	9,320	6.7%

FY 1997 and revised FY 1998 personnel data reflect actual payroll counts. FY 1999 data reflect the number of positions funded.

## Introduction

The Judiciary is responsible for the operation of the State's court system and the regulation of attorneys. The Judiciary also provides technical and administrative support to the courts. In addition, it designs, supervises and operates many court-related programs at the State, county and municipal levels of government.

The constitutional amendment approved in November 1992, required the State to assume full responsibility for the trial court system by July 1, 1997. Pursuant to P.L. 1993, c.275, all affected county judicial employees and probation employees became State employees on January 1, 1995 and all judicial and probation costs were transferred to the State. In addition, all judicial and probation fees formerly collected by the counties became State revenue and all counties were required to make decreasing reimbursement payments to the State for three years. The last payments were made in FY 1998, at which point the State became fully responsible for the funding of the trial court system. By statute, any savings realized by the counties as a result of the transfer of the trial courts to the State must be passed on to taxpayers in the form of reduced property taxes.

## Key Points

The Chief Justice of the New Jersey Supreme Court also serves as the administrative head of the court system. The Chief Justice directs court policy and appoints special committees to investigate problems and issues concerning the administration of the judicial system. The Administrative Office of the Courts (AOC) serves as the administrative arm of the Chief Justice.

## Key Points

- ! Recommended FY 1999 funding for the Judiciary is \$366.2 million, 0.1 percent less than the FY 1998 adjusted appropriation of \$366.7 million. Within the overall appropriation, funding for the Family Courts and Probation Services is increased, and funding is reduced for Court Reporting.
- ! The FY 1999 recommendation includes an additional \$3.6 million to provide full year funding of \$6.6 million for 150 Family Court domestic violence hearing officers and other support staff and for 50 Probation positions to handle rising adult and juvenile caseloads as authorized by the Legislature in FY 1998 under P.L. 1997 c.437. The FY 1999 recommendation also includes \$932,000 for an additional 50 probation officers to be added beginning January 1, 1999.
- ! The FY 1999 budget recommends a \$2.35 million appropriation for Court Reporting, a \$3.8 million or 62 percent reduction. This reduction is recommended to come entirely from the salary account. Whereas the position data indicates 128 filled court reporter positions in FY 1998, the recommended funding would support 31 positions, 25 court reporters and 6 support staff.
- ! FY 1999 is the first year since the assumption of the county trial court costs that the State will receive no reimbursement from the counties for the operation of the courts. In FY 1998, the counties paid the State \$59.7 million in reimbursements for court operations.
- ! The Intensive Supervision Program (ISP) and Juvenile Intensive Supervision Program (JISP) are recommended to receive \$9.3 million and \$1.5 million, respectively, in FY 1999, the same amount as in the current year. The programs, which are structured to serve adult and juvenile offenders, serve as alternatives to incarceration for these individuals.
- ! The FY 1999 budget includes a recommendation of \$33.9 million in the Interdepartmental Accounts for the Year 2000 Data Processing Initiative, of which the Judiciary is budgeted to receive \$7.1 million. The Judiciary has budgeted \$3.2 million for this purpose in FY 1998.
- ! The Judiciary has historically received authorization to carry forward unexpended balances into the following fiscal year. The FY 1998 budget permitted the Director of the Division of Budget and Accounting to lapse up to \$5 million in funds remaining at the end of FY 1997. The lapse authorization was made discretionary in order to allow the Director of the Division of Budget and Accounting to provide funds for the payment of negotiated retroactive salary payments to trial court employees, should additional funds be needed. This language is recommended to be continued in FY 1999 because the Judiciary is in the midst of contract negotiations with several of its employee unions, and the funding may be required to meet the terms of the as-yet-to-be-determined contracts.

## Key Points

- ! During FY 1997 the Governor recommended that the administration of child support functions be consolidated from operations conducted within several departments to a single program under the auspices of the Department of Human Services. Under this proposal, the Judiciary's Title IV-D activities, personnel and budget may eventually be transferred to the department of Human Services. To date, no action has been taken to effectuate this transfer. During FY 1998, the Judiciary estimates that it collected \$683 million in child support payments for custodial parents, distributing 3.6 million checks. FY 1999 collections are projected to be \$736 million.

## Program Description and Overview

### Summary

The Judiciary is responsible for the operation of the State's court system and the regulation of attorneys. The Judiciary is organized into 15 vicinages encompassing the 21 counties in New Jersey, and the Administrative Office of Courts which provides administrative services to the courts. Court operations include the Supreme Court, Superior Court - Appellate Division, Civil, Criminal and Family Courts, Probation Services and Court Reporting Services. The Judiciary also provides oversight, supervision and technical support to the 537 locally funded municipal courts throughout the State.

The Chief Justice of the New Jersey Supreme Court serves as the administrative head of the court system. The Chief Justice directs court policy and appoints special committees to investigate problems and issues concerning the administration of the judicial system. The Administrative Office of the Courts (AOC) serves as the administrative arm of the Chief Justice.

In November, 1992, a constitutional amendment was approved requiring the State to assume the responsibility for the trial court system by July 1, 1997. Under P.L. 1993, c.275, about 7,500 county judicial and probation employees became State employees on January 1, 1995. As of that date, certain judicial and probation costs were transferred to the State and all judicial and probation fees collected by the counties became State revenue. In order to facilitate the phase-in of the State responsibility for trial court costs, the counties have been required to make decreasing reimbursement payments to the State over a three-year period, ending in FY 1998. Under the provisions of the statute, the counties were required to adjust county property tax bills to reflect the savings realized by the phase-out of trial court costs on the county level. Under the law, bail forfeitures are evenly split between the State and counties within which the bail is forfeited.

### Overview

The FY 1999 recommended Direct State Services budget for the Judiciary is \$366.2 million, 0.1 percent less than its FY 1998 adjusted appropriation of \$366.7 million.

The Judiciary's FY 1999 budget recommendation includes a recommended Direct State Services appropriation of \$246.1 million for the operation of the 15 trial court vicinages. The vicinages are also recipients of approximately \$50 million in federal funding, primarily in the form of reimbursements for child support collection activities (Title IV-D). The Judiciary estimates that it will collect about \$736 million in child support payments in FY 1999, distributing 3.6 million checks, an increase of \$53 million over the FY 1998 estimated collection level of \$683 million.

The FY 1999 budget recommendation for the combined State and federal funding of the Title IV-D Child Support and Paternity program totals \$71.8 million. Of this amount, \$5.9 million in federal funding will be passed on to the counties as reimbursements for the use of county facilities for Title IV-D activities. Of the remaining \$65.9 million, the recommended State share is \$21.6 million and the Federal share is \$44.3 million. Under Title IV-D, the federal government reimburses the State for 66 percent of the cost of conducting its child support enforcement activities.

FY 1998 was the last year during which the State received reimbursement from the counties for the operation of the trial court system. The State, however, will continue collecting fee revenue from court operations and bail forfeitures in FY 1999 and thereafter. The collection of some \$59 million in court related fees is estimated for FY 1998 and \$62 million is estimated for FY 1999. The State portion of bail forfeiture collections totaled \$2.6 million in FY 1997 and is estimated to total

## Program Description and Overview

\$1.5 million in FY 1998 as well as in FY 1999. Since bail forfeiture is relatively unpredictable and varies from year to year, the Judiciary historically conservatively estimates this particular revenue source.

The FY 1999 budget recommends \$2.35 million for Court Reporting, a \$3.8 million or 62 percent reduction below the FY 1998 adjusted appropriation. This reduction is recommended to come entirely from the salary account. Whereas budget position data indicates that 128 court reporter positions are filled in FY 1998, the recommended funding would support 31 positions, 25 court reporters and 6 support staff. According to the Governor's Budget in Brief, the court rooms are equipped with either audio or video recording equipment, thereby reducing the need for court reporters. The recommended funding would permit the Judiciary to meet federally mandated requirements for court reporters.

A supplemental appropriation in the current fiscal year (P.L. 1997 c.437) provided \$3 million to the Judiciary to create 200 new positions: 150 Family Court domestic violence hearing officers and support staff, and 50 Probation positions to handle rising adult and juvenile caseloads. The FY 1999 budget recommends an additional \$3.6 million to provide full-year funding of \$6.6 million for these positions, plus \$932,000 to add 50 more probation officers beginning January 1, 1999.

### Personnel

The Judiciary has a total of 435 judicial positions, Statewide. Of these 7 are Supreme Court justices, 12 are Tax Court judges, and 416 are Superior Court judges. According to the Administrative Office of the Courts, 22 of these positions are currently vacant.

During FY 1997 and FY 1998 the Judiciary conducted negotiations with vicinage employee bargaining units to provide vicinage employees with their first salary increase since State assumption of the trial courts in FY 1995. To date, all vicinage employees have received retroactive salary payments for the period covering January 1, 1995 through June 30, 1996. The Judiciary is currently undertaking Phase II of the negotiations, in an effort to finalize employee salaries for the period covering July 1, 1996 forward. FY 1998 language and FY 1999 recommended language permits the Judiciary to carry forward all funds in excess of \$5 million at the end of the fiscal year. This language, however, also would permit some portion or all of the \$5 million to carry forward into the next fiscal year since the directive is ". . . that an amount not to exceed \$5 million shall lapse, as the Director of the Division of Budget and Accounting shall determine."

Because of the wide disparity of personnel systems among the vicinages prior to court unification, the Judiciary is faced with the issue of uniform job descriptions, job specifications, and salary equalization. In some cases employees in different vicinages with the same job titles and responsibilities received different levels of compensation. In addition, some individuals within the same job titles have differing responsibilities. To address this, the Judiciary contracted with Rutgers Center for Management Development to conduct a classification and compensation study and to design a new system for the vicinage employees. The Judiciary is currently in the process of developing a timetable for implementing the study's recommendations.

The FY 1999 budget provides funding for 9,320 State, federal and other positions. Of these positions, 7,839 are State supported, 1,309 are federally funded, and 173 are funded from other sources such as dedicated or revolving funds. In FY 1998 the AOC received a supplemental appropriation to fund 150 additional family courts positions and 50 Probation Services positions.

## Program Description and Overview

Additional funding is recommended in FY 1999 for another 50 probation officers. Conversely, funding is reduced for court reporting; funding is recommended for 31 positions in FY 1999. Position data indicates 128 positions are filled in the current fiscal year.

The majority of the federally funded positions are dedicated to the Title IV-D programs and are supported by the Title IV-D federal reimbursement.

### Intensive Supervision/Alternatives to Incarceration

The Intensive Supervision Program (ISP) is recommended to receive \$9.3 million in FY 1999, the same amount as the FY 1998 adjusted appropriation. The ISP program places State-sentenced non-violent offenders in alternative, strictly supervised community programs after two months of incarceration. The program operates as an alternative to incarcerating non-violent offenders in the overpopulated State prison system, thus reserving prison bed spaces for violent offenders. During FY 1998, the program diverted 1,215 non-violent adult offenders from the State's prisons. Of these offenders, 297 were returned to prison for various infractions of the ISP regulations. The FY 1999 recommended appropriation would again support 1,215 program participants.

The Juvenile Intensive Supervision Program (JISP), a program for juvenile offenders, is recommended to receive continued funding in the amount of \$1.5 million in FY 1999. Prior to FY 1997 the program was modeled after the adult ISP program serving offenders who had previously been incarcerated. However, as some of the program participants did not comply with the program requirements, a few even committing crimes while enrolled in the program, the program was redirected to serve as aftercare for juveniles released from boot camp, or as an alternative to incarceration for selected juvenile offenders. In FY 1998, the portion of the JISP program serving as an aftercare component for the juvenile boot camp was transferred to the Juvenile Justice Commission. The remaining portion of the program serves as an alternative to incarceration for selected juveniles. The FY 1999 recommended appropriation would support 250 program participants. Of these offenders, 75, or 30 percent are expected to be returned to the juvenile justice system for various infractions of the JISP regulations.

### Drug Court

In FY 1998 the Judiciary entered into a joint program with the Departments of Corrections and Health, and the Public Defender, to operate a "Drug Court" pilot program in Essex, Hudson, Camden and Passaic counties. The program, which was funded with a \$500,000 appropriation to the Department of Corrections in FY 1998, involves these agencies in a cooperative effort to oversee intensive, court supervised substance abuse treatment for carefully screened non-violent, addicted offenders as an alternative to incarceration. Funding provides non-treatment related costs of drug courts such as drug assessment, testing, transportation and probation costs. Continuation funding of \$500,000 is recommended in FY 1999. The program expects to serve 200 participants.

In addition to the State funds budgeted for the drug courts, in FY 1998 the Judiciary received a one-time grant of \$1 million from the federal government for drug courts Statewide. The federal funds were a part of \$16 million in Justice Department grants to court systems and communities throughout the country.

A new appropriation of \$689,000 has been recommended in the Department of Corrections' budget for treatment programs for inmates participating in the Drug Court program.

## Program Description and Overview

### Comprehensive Enforcement Program

The Comprehensive Enforcement Program (P.L. 1995, c.9), provides for the enforcement of court orders and oversees the collection of court ordered fines, assessments, surcharges and judgments in the civil, criminal and family divisions, and Tax Court. In addition, municipal courts may request that any matters not resolved in accordance with their courts be transferred to the Comprehensive Enforcement Program. By statute, the Judiciary is permitted to deduct 25 percent of all funds collected through the program, (except for victim restitution and for Victim of Crime Compensation Board assessments) for deposit in the "Comprehensive Enforcement Program Fund". The remaining 75 percent of the collections are paid to the agencies and individuals to whom these funds are owed. The Judiciary is then authorized to use up to \$550,000 annually from the Comprehensive Enforcement Program Fund to operate the program.

### Computerized Court Activities

P.L. 1994, c.54, authorized the Administrative Office of the Courts to develop and operate a computer system which allows electronic access to court information and allows the public to file court documents electronically. The program provides for two systems which are supported by users fees, the Court Records Inquiry and the Bulletin Board. The Court Records Inquiry System makes available through electronic access, case and judgment information on the Civil Automated Case Management System. The system, which charges \$1.00 per minute to use, currently has over 100 registered users. The Bulletin Board system provides rapid and easy access to centrally located and current judicial databases from the New Jersey courts including court opinions from the Supreme, Appellate, Chancery and Tax Courts. Users of this system access the information through the use of a 900 number provided by AT&T. User fees from both the Court Records Inquiry System and the Bulletin Board are deposited in the "Court Computer Information Systems Fund", which is dedicated to the development, operation and maintenance of computerized court information systems. The program is projected to collect about \$666,000 in user fees during FY 1999.

### Year 2000 Data Processing Upgrade

The Judiciary's information and data processing systems currently serve over 20,000 users in all of the 21 counties, consisting of judges, court staff, county prosecutors, state and local police, county jails, county sheriffs, the Department of Corrections, municipalities, federal agencies and lawyers, public defenders offices, county clerks offices, the Turnpike Authority and municipal parking authorities. In FY 1998 the Judiciary received \$2 million from the Interdepartmental Year 2000 account, and transferred \$1.2 million from other accounts within the Judiciary to begin its assessment and analysis of all supported computer applications, systems and interfaces. The FY 1999 budget recommendation includes an appropriation of \$33.9 million in the Inter-departmental Accounts for the Year 2000 Data Processing Initiative, of which the Judiciary is budgeted to receive \$7.1 million, for total available funding of \$10.3 million for the project.

The recommended funding will be used for contractors, training, Local Area Network Gateway replacement equipment, print server replacement equipment, server replacement equipment, mainframe DASD (Direct Storage Access Device), Jury System and Criminal Adult Probation System (CAPS) equipment purchases to complete the roll out of Year 2000 critical applications. Contractors will be used to augment existing programmer/analyst staff to perform COBOL, FOCUS and IDMS code revisions, on legacy systems. For critical PC based applications which cannot be easily converted, contractors will assist in the re-writing of these programs. Contractors will also assist the field installation staff for implementing or upgrading LANs and

## Program Description and Overview

related peripheral devices throughout the State as required for Year 2000 compliance. Judicial end-users will require technical training in Windows '95. The AOC will see that the key vicinage technical personnel are trained, who, in turn, will provide local support and training to their respective vicinages.

### Carry Forward

The Judiciary has historically received authorization to carry forward unexpended balances into the following fiscal year. The FY 1998 budget permitted the Director of the Division of Budget and Accounting to lapse up to \$5 million in funds remaining at the end of FY 1997. The lapse authorization was made discretionary in order to allow the Director of the Division of Budget and Accounting to provide funds for the payment of negotiated retroactive salary payments to trial court employees, should additional funds be needed. This language is recommended to be continued in FY 1999 because the Judiciary is in the midst of contract negotiations with several of its employee unions, and the funding may be required to meet the terms of the as-yet-to-be-determined contracts.

### Other Issues

During FY 1997, the Governor announced a new program, "Work First New Jersey; a Working Approach to Welfare. This program is intended to reform the State's welfare system. Under the program, the Governor proposed that the administration of child support functions be consolidated from operations functioning within several departments to a single program placed under the Department of Human Services. To date, no action has been taken to effectuate this consolidation. During FY 1998, the Judiciary estimates that it collected \$683 million in child support payments for custodial parents, distributing 3.6 million checks. FY 1999 collections are projected to be \$736 million.

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### Fiscal and Personnel Summary

AGENCY FUNDING BY SOURCE OF FUNDS (\$000)

	Expended FY 1997	Adj. Approp. FY 1998	Recom. FY 1999	Percent Change	
				1997-99	1998-99
<b>General Fund</b>					
Direct State Services	\$357,267	\$366,685	\$366,181	2.5%	-0.1%
Grants - In - Aid	0	0	0	0.0%	0.0%
State Aid	0	0	0	0.0%	0.0%
Capital Construction	0	0	0	0.0%	0.0%
Debt Service	0	0	0	0.0%	0.0%
<b>Sub-Total</b>	<b>\$357,267</b>	<b>\$366,685</b>	<b>\$366,181</b>	<b>2.5%</b>	<b>-0.1%</b>
<b>Property Tax Relief Fund</b>					
Direct State Services	\$0	\$0	\$0	0.0%	0.0%
Grants-In-Aid	0	0	0	0.0%	0.0%
State Aid	0	0	0	0.0%	0.0%
<b>Sub-Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Casino Revenue Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Casino Control Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>State Total</b>	<b>\$357,267</b>	<b>\$366,685</b>	<b>\$366,181</b>	<b>2.5%</b>	<b>-0.1%</b>
<b>Federal Funds</b>	<b>\$41,761</b>	<b>\$50,723</b>	<b>\$50,272</b>	<b>20.4%</b>	<b>-0.9%</b>
<b>Other Funds</b>	<b>\$16,828</b>	<b>\$16,585</b>	<b>\$17,242</b>	<b>2.5%</b>	<b>4.0%</b>
<b>Grand Total</b>	<b>\$415,856</b>	<b>\$433,993</b>	<b>\$433,695</b>	<b>4.3%</b>	<b>-0.1%</b>

**PERSONNEL SUMMARY - POSITIONS BY FUNDING SOURCE**

	Actual FY 1997	Revised FY 1998	Funded FY 1999	Percent Change	
				1997-99	1998-99
State	7,582	7,412	7,839	3.4%	5.8%
Federal	1,173	1,159	1,308	11.5%	12.9%
All Other	161	167	173	7.5%	3.6%
<b>Total Positions</b>	<b>8,916</b>	<b>8,738</b>	<b>9,320</b>	<b>4.5%</b>	<b>6.7%</b>

FY 1997 and revised FY 1998 personnel data reflect actual payroll counts. FY 1999 data reflect the number of positions funded.

**AFFIRMATIVE ACTION DATA**

Total Minority Percent	28.0%	28.0%	28.0%	----	----
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## Significant Changes/New Programs (\$000)

<u>Budget Item</u>	<u>Adj. Approp.</u> <u>FY 1998</u>	<u>Recom.</u> <u>FY 1999</u>	<u>Dollar</u> <u>Change</u>	<u>Percent</u> <u>Change</u>	<u>Budget</u> <u>Page</u>
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**REVENUE:****Court Unification**

Reimbursements	\$59,656	\$0	(\$59,656)	(100.0)%	C-13
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In FY 1995 the State assumed responsibility for the operation of the trial courts. In order to facilitate the phase-in of the cost to operate the trial courts, the counties are responsible for making decreasing phase-out payments to the State. FY 1998 was the last year during which the counties were required to make these payments.

**GENERAL FUND:**

Court Reporting	\$6,140	\$2,350	(\$3,790)	(61.7)%	D-346
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The FY 1999 recommendation would decrease salary funding from \$5.62 million in FY 1998 to \$1.83 million in FY 1999, supporting 25 court reporter positions and six support staff. Budget evaluation data indicates that 128 court reporter positions were filled as of mid-October, 1997 (FY1998).

**Child Support and  
Paternity Program Title**

IV-D (Family Court)	\$4,228	\$4,701	\$473	11.2%	D-346
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The recommended increase reflects the transfer of Title IV-D Child Support Hearing Officers from Probation Services to Family Court to reflect the actual duties performed. Funding for this program provides the required State share of the Title IV-D Child Support and Paternity program within the Family Division of Superior Court. Under Title IV-D, the federal government reimburses the State 66.67 percent of the cost of operating this function, while the State is responsible for the remaining 33.3 percent. Under the program, the Family Court is responsible for accepting complaints, docketing and scheduling the cases, serving official legal notices and holding hearings for the established modification and enforcement of child support orders.

**Child Support and  
Paternity Program Title**

IV-D (Probation)	\$17,329	\$16,856	(\$473)	(2.7)%	D-347
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The recommended decrease reflects the transfer of Title IV-D Child Support Hearing Officers from Probation Services to Family Court to reflect the actual duties performed. Funding for this program provides the required State share for the Title IV-D Child Support and Paternity program within the Division of Probation Services. Under Title IV-D, the federal government reimburses the State 66.67 percent of the cost of operating this function, while the State is responsible for the remaining

## Significant Changes/New Programs (\$000)

<u>Budget Item</u>	<u>Adj. Approp.</u> <u>FY 1998</u>	<u>Recom.</u> <u>FY 1999</u>	<u>Dollar</u> <u>Change</u>	<u>Percent</u> <u>Change</u>	<u>Budget</u> <u>Page</u>
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33.3 percent. Once a child support order is established, the Probation Division of each vicinage monitors the case for compliance with the court order as required by statute. When the individual falls out of compliance, Probation takes the necessary steps to remedy the situation. Probation collects and disburses all child support funds received.

### FEDERAL FUNDS:

<b>Criminal Courts</b>	<b>\$1,063</b>	<b>\$0</b>	<b>(\$1,063)</b>	<b>(100.0)%</b>	<b>D-347</b>
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The recommended decrease reflects the elimination of one-time federal funding for drug courts in Camden, Essex and Passaic Counties, as well as the elimination of funding for the Newark Target Cities Court Project, a substance abuse pilot project targeted toward cities with high intensity drug use.

<b>Family Courts</b>	<b>\$10,499</b>	<b>\$11,035</b>	<b>\$536</b>	<b>5.1%</b>	<b>D-347</b>
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The recommended increase reflects in increase of \$823,000 in the Family Courts for the Title IV-D Child Support and Paternity Program. Included in the recommended appropriation is the elimination of a one-time grant of \$250,000 to Hudson County for a Juvenile Drug Court.

### ALL OTHER FUNDS:

<b>Supreme Court</b>	<b>\$7,755</b>	<b>\$8,257</b>	<b>\$502</b>	<b>6.5%</b>	<b>D-347</b>
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The Supreme Court operates two programs funded through assessments charged to all practicing attorneys, the Ethics Financial Committee and the New Jersey Lawyers Fund for Client Protection. Assessments attributable to the Ethics Financial Committee are anticipated to increase from \$5.1 million in FY 1998 to \$5.5 million in FY 1999, an increase of \$400,000. The New Jersey Lawyers Fund for Client Protection is estimated to increase by \$23,000. The Bar Admissions Financial Committee is funded through a fee charged to all applicants. The \$118,000 estimated increase in this account reflects the increase in the number of applicants to the New Jersey Bar. The Board on Attorney Certification is also self funded by fees charged to attorneys seeking certification in Civil Trial, Criminal Trial, Matrimonial Law and Workers Compensation Law. The FY 1999 recommendation for this program is expected to decrease by \$46,000.

<b>Probation Services</b>	<b>\$825</b>	<b>\$879</b>	<b>\$54</b>	<b>6.5%</b>	<b>D-347</b>
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The recommended funding change reflects an increase of \$140,000 in the Court Computerized Collections Fund as a result of increased use by subscribers of the program, offset by the elimination of a \$100,000 grant to the Passaic County Vicinage from the Private Industry Council for the Probationfields program. The Probationfields program served as an alternative to incarceration for about 20 juvenile offenders. This six-month program provided juveniles with group counseling, vocational training in the culinary arts and basic skills education.

**Significant Changes/New Programs (\$000)**

<u>Budget Item</u>	<u>Adj. Approp.</u> <u>FY 1998</u>	<u>Recom.</u> <u>FY 1999</u>	<u>Dollar</u> <u>Change</u>	<u>Percent</u> <u>Change</u>	<u>Budget</u> <u>Page</u>
Information Services	\$553	\$666	\$113	20.4%	D-347

The recommended increase reflects the increased use of the Electronic Access to Court Records program, a program that is supported through user fees.

## Language Provisions

### 1998 Appropriations Handbook

### 1999 Budget Recommendations

p. B-272

Receipts in excess of the amount anticipated from dedicated fee increases, not to exceed \$9,000,000, are appropriated for judicial operations, subject to enactment of enabling legislation.

No comparable language.

### Explanation

The FY 1998 language would have permitted the Judiciary to appropriate up to \$9 million in receipts from proposed dedicated fee increases subject to enactment of enabling legislation. However, no legislation has been enacted nor have fee increases been implemented to date during FY 1998.



## Discussion Points

1. During FY 1997 and FY 1998 the Judiciary conducted negotiations with vicinage employee bargaining units to provide vicinage employees with their first salary increase since State assumption of the trial courts in FY 1995. To date, all vicinage employees have received retroactive salary payments for the period covering January 1, 1995 through June 30, 1996. The Judiciary is currently undertaking Phase II of the negotiations, in an effort to finalize employee salaries for July 1, 1996 forward. FY 1998 language and FY 1999 recommended language authorizes the unexpended balances in the Judiciary to be reappropriated, subject to the provision that an amount not to exceed \$5 million shall lapse, as the Director of the Division of Budget and Accounting shall determine.

**!** *Questions:* What is the status of Phase II of the contract negotiations? Does the Judiciary foresee that it will require some amount of the \$5 million that may lapse in both FY 1998 and FY 1999? What is the Judiciary's total estimated carry forward amount for FY 1999?

2. A supplemental appropriation in the current fiscal year provided \$3 million to the Judiciary to create 200 new positions: 150 Family Court domestic violence hearing officers and support staff, and 50 Probation positions to handle rising adult and juvenile caseloads. The FY 1999 budget recommends an additional \$3.6 million to provide full-year funding of \$6.6 million for these positions, plus \$932,000 to add 50 more probation officers beginning January 1, 1999.

**!** *Questions:* What is the impact of the increased staffing on the Family Court and Probation Services activities? How has the increased staffing affected caseloads?

3. The FY 1999 budget recommends a \$2.35 million appropriation for Court Reporting, a reduction of \$3.8 million or 62 percent. This reduction is recommended to come entirely from the salary account. Whereas there are currently 128 filled court reporter positions, the recommended funding would support 31 positions, 25 court reporters and 6 support staff. The Budget in Brief states that funding the 25 Court Reporter positions will allow the Judiciary to meet federally mandated requirements.

**!** *Questions:* What duties to meet federal court reporting requirements will the remaining court reporters be performing and how will their services be apportioned among the 15 vicinages?

4. During FY 1998, the Judiciary estimates that it collected \$683 million in child support payments for custodial parents, distributing 3.6 million checks. FY 1999 collections are projected to be \$736 million.

**!** *Questions:* What is the current status of child support collections? Please include the number of cases, total arrearage, and collection improvement efforts.

5. Recent court decisions have determined that the State must hold a hearing to determine if a sex offender released from prison be relegated to Tier II or Tier III under the community notification provisions of Megan's Law, and that the State bear the burden of proof for making such a classification.

**!** *Questions:* How many hearings does the Judiciary anticipate will be necessary under these provisions? What has been the overall impact of Megan's Law on the Judiciary thus far?

## Discussion Points

6. The recently enacted Federal "Adoption and Safe Families Act of 1997" (Pub.L. 105-89) requires that the States initiate termination of parental rights proceedings for all children who have been in foster care for 15 out of the most recent 22 months. Prior to this, proceedings were initiated on a case by case basis with no mandated requirement for termination proceedings to begin at any specific time. In addition, the new law requires that a permanency planning hearing be held at 12 months after a child enters foster care, rather than at 18 months, as was the former case. According to budget evaluation data on page D-187 of the FY 1999 budget recommendation for the Department of Human Services, there are projected to be about 6,700 children in foster care in FY 1999. The average length of time that these children have been in their current placement is approximately 22 months.

**!** *Questions:* What effect have the new guidelines had on the Judiciary's case workload? How do the guidelines impact upon the courts' ability to expeditiously conduct these proceedings?

7. According to the AOC, there are currently 22 vacant judgeships Statewide.

**!** *Questions:* In which vicinages and courts do these vacancies exist? How is the Judiciary accommodating the court caseload where these vacancies exist?

8. In 1995 the Chief Justice appointed a Strategic Planning Committee to develop long range plans for the Judiciary. Currently, the committee is in the process of finalizing its report to the Supreme Court.

**!** *Questions:* When might the final report be expected? What major initiatives are likely to result from the committee's recommendations? What economies to Judicial operations can be expected?

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Individuals wishing information and committee schedules on the FY 1999 budget are encouraged to contact:

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