

ANALYSIS OF THE NEW JERSEY
FISCAL YEAR 1999 - 2000 BUDGET



THE JUDICIARY

PREPARED BY

OFFICE OF LEGISLATIVE SERVICES

NEW JERSEY LEGISLATURE

APRIL 1999

NEW JERSEY STATE LEGISLATURE

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THE JUDICIARY

Budget Pages..... C-12, C-19 to C-20, C-26, D-437 to
D-445

Fiscal Summary (\$000)

	Expended FY 1998	Adjusted. Appropriation FY 1999	Recommended FY 2000	Percent Change 1999-00
State Budgeted	\$365,750	\$383,163	\$391,653	2.2%
Federal Funds	42,488	50,644	49,877	(1.5)%
<u>Other</u>	<u>16,685</u>	<u>17,242</u>	<u>19,652</u>	<u>14.0%</u>
Grand Total	\$424,923	\$451,049	\$461,182	2.2%

Personnel Summary - Positions By Funding Source

	Actual FY 1998	Revised FY 1999	Funded FY 2000	Percent Change 1999-00
State	7,391	7,599	7,847	3.3%
Federal	1,162	1,173	1,209	3.1%
<u>Other</u>	<u>170</u>	<u>177</u>	<u>187</u>	<u>5.7%</u>
Total Positions	8,723	8,949	9,243	3.3%

FY 1998 (as of December) and revised FY 1999 (as of September) personnel data reflect actual payroll counts. FY 2000 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 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.

Key Points

- ! Recommended FY 2000 funding for the Judiciary is \$391.7 million, a 2 percent increase over the FY 1999 adjusted appropriation of \$383.2 million. Included in this amount is a \$4.5 million increase for court reporting and a \$2.8 million increase in information services.
- ! The FY 2000 budget recommends a \$7.2 million appropriation for Court Reporting, a \$4.5 million or 168 percent increase over the FY 1999 adjusted appropriation of \$2.7 million. In recent years, the Judiciary has been under funded in this area, and has supported these positions through carry forward balances. The budget recommendation would provide funding for an additional 75 court reporters over the FY 1999 funded level, supporting a total of 100 court reporter and 10 clerical positions in FY 2000. According to the AOC, there are currently 111 filled court reporter positions.
- ! An additional \$1 million has been recommended in FY 2000 for 25 new juvenile probation officer positions. Budget evaluation data indicate that there are currently about 17,000 juveniles under probation supervision in the State, with 198 probation officers to handle their cases. The addition of these positions would reduce the probation officer case load from the current case load of 85 cases per probation officer to 76 cases per probation officer. According to the Judiciary, the optimal case load for juvenile probation officers is 50 cases per officer.
- ! The Judiciary is recommended to receive \$14.6 million for Information Services, a \$2.8 million or 23.6 percent increase over the FY 1999 adjusted appropriation of \$11.8 million. The recommended increase would fund increased salary expenses related to the Year 2000 data processing upgrade; a line of credit for the Judiciary's second year payment for its data center mainframe hardware upgrade; and the electronic filing and optical imaging - Special Civil Part computer equipment. The goal of the Electronic Filing and Optical Imaging Project is to improve the efficiency of the Special Civil Part by replacing the current manual case filing systems with an automated, image-based case filing retrieval system, thereby eliminating the need for paper case files.
- ! The FY 2000 recommendation includes an appropriation of \$250,000 for the Middlesex County family courthouse. Middlesex County has agreed to build a new free standing courthouse designed to house the Family Court arm of the Superior Court of Middlesex Vicinage. The county will fund the cost of construction. The FY 2000 recommendation would provide line of credit payment for the furnishings required for the judges and staff in the new facility.
- ! The FY 2000 budget recommends \$1 million in funding for a Youth Violence Initiative which would permit Family Crisis Intervention Units (FCIU) in each county to expand their services in family crises situations. Family Crisis Intervention Units offer stabilizing environments where youth-family crises are addressed with either mediation or referral to appropriate services. The recommended funding would provide for a new position in each county, a total of 21 new positions, and permit the expansion of the definition of "Juvenile Family Crisis" to include patterns of repeated violent conduct or threats of serious bodily injury.

Key Points (Cont'd)

- ! The Judiciary has historically received authorization to carry forward unexpended balances into the following fiscal year. The FY 1999 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 1998. 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. Because it is anticipated that these contracts will be settled and paid out by the end of FY 1999, FY 2000 recommended budget language would permit the appropriation of up to \$2 million in unexpended balances at the end of FY 1999, subject to the approval of the Director of the Division of Budget and Accounting.

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.

Overview

The FY 2000 recommended Direct State Services budget for the Judiciary is \$391 million, 2 percent more than its FY 1999 adjusted appropriation of \$383 million.

The Judiciary's FY 2000 budget recommendation includes a recommended Direct State Services appropriation of \$265 million for the operation of the 15 trial court vicinages. The vicinages are also recipients of approximately \$44 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 \$773 million in child support payments in FY 2000, distributing 3.8 million checks to custodial parents, an increase of \$37 million over the FY 1999 estimated collection level of \$736 million.

The FY 2000 budget recommendation for the combined State and federal funding of the Title IV-D Child Support and Paternity program totals \$72.5 million. Of this amount, the State share totals \$22.6 million and the federal share is \$49.9 million, of which the State will receive \$44 million. The remaining \$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. Under Title IV-D, the federal government reimburses the State for 66 percent of the cost of conducting its child support enforcement activities.

FY 1999 was the last year during which the State received reimbursement from the counties for the operation of the trial court system. The State, however, continues to collect fee revenue from court operations and bail forfeitures. The collection of some \$61 million in court related fees is estimated for FY 1999 and for FY 2000. The State and counties each receive 50 percent of the bail forfeiture collections. In FY 1998 the State portion of these bail forfeitures totaled \$1.8 million. FY 1999 and FY 2000 State collections of bail forfeitures are estimated to total \$1.7 million in each year.

Personnel

Program Description and Overview (Cont'd)

The Judiciary has a total of 435 judicial positions. 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, 20 of these positions are currently vacant. The FY 2000 budget recommendation incorporates an assumed 15 judicial vacancies at any one time during the year to adjust for the lead time required for judicial appointments and confirmations.

Because of the wide disparity of personnel systems among the vicinages prior to court unification, the Judiciary has been 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. The Judiciary has been addressing this issue over the past several years and has been negotiating with the various employee bargaining groups to alleviate the situation. The AOC anticipates that by the end of FY 1999 the Judiciary will have reached agreements with all of the employee unions and the bulk of salary issues will be settled.

The FY 2000 budget provides funding for 9,243 State, federal and other positions. Of these positions, 7,847 are State supported, 1,209 are federally funded, and 187 are funded from other sources such as dedicated or revolving funds.

The majority of the federally funded positions are dedicated to the Title IV-D Child Support and Paternity programs and are supported by the Title IV-D federal reimbursement. 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. Child support collections receive this federal support because of the assumption that payments made by many non-custodial parents to poverty level custodial parents would offset the cost of welfare payments made to these parents under the Aid to Families with Dependent Children program.

The FY 2000 budget recommends \$7.2 million for Court Reporting, a \$4.5 million or 168 percent increase over the FY 1999 adjusted appropriation of \$2.7 million. Evaluation data within the FY 2000 budget recommendation indicates that this would provide funding for 110 positions within the Court reporting program. Of these positions, 100 are court reporters, 75 more positions than the number funded in FY 1999. In recent years, the Judiciary has been under funded in this area, and has supported these positions through carry forward balances. Recommended language would permit the Judiciary to carry forward a maximum of \$2 million into FY 2000. Currently, there are 111 filled court reporter positions.

An additional \$1 million has been recommended in the FY 2000 budget for 25 new juvenile probation officer positions. Budget evaluation data indicate that there are currently about 17,000 juveniles under probation supervision in the State. There are currently 198 probation officers to handle these cases. The addition of these positions would reduce the probation officer case load from the current case load of 85 cases per probation officer to 76 cases per probation officer. However, if the number of juveniles under supervision reaches 18,000 as projected for FY 2000, the caseload would only be reduced to about 81 cases per probation officer. According to the Judiciary, the optimal case load for juvenile probation officers is 50 cases per officer.

Program Description and Overview (Cont'd)

Intensive Supervision/Alternatives to Incarceration

The Intensive Supervision Program (ISP) is recommended to receive \$9.3 million in FY 2000, the same amount as the FY 1999 adjusted appropriation. The ISP program places State-sentenced non-violent adult 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 1999, 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 2000 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 \$1.9 million in FY 2000. The program is structured to provide Juvenile court judges with an alternative to incarceration for selected juvenile offenders. The FY 2000 recommended appropriation would support 350 program participants. Of these offenders, 99 are expected to be returned to the juvenile justice system for various infractions of the JISP regulations.

The FY 2000 recommendation would also provide funding totaling \$1 million for Family Crisis Intervention Units (FCIU) to expand their services in family crises situations. Currently, Family Crisis Intervention Units (FCIU) exist in each county. These units offer a stabilizing environment where youth-family crises are addressed with either mediation or referral to appropriate services. The recommended funding would permit the expansion of the definition of "Juvenile Family Crisis" to include patterns of repeated violent conduct or threats of serious bodily injury.

Drug Court

The Judiciary continues to operate the Drug Court program in cooperation with the Departments of Corrections, Health and the Public Defender. The program, which is funded through an \$800,000 appropriation to the Department of Corrections, 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 for non-treatment related costs of drug courts such as drug assessment, testing, transportation and probation costs.

The treatment costs for these offenders would be funded from a recommended line item of \$689,000 in the Department of Corrections' FY 2000 budget. This amount represents continuation funding for the treatment program.

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".

Program Description and Overview (Cont'd)

The remaining 75 percent of the collections are paid to the agencies and individuals to whom these funds are owed. In FY 2000, the Comprehensive Enforcement program anticipates the collection of about \$8.5 million on behalf of State and local government creditors, victims of crime and individuals to whom restitution is owed. The program expects to retain \$872,000 of this amount for operating expenses.

Computerized Court Activities

The Court Computerized Collections Program, which was authorized under P.L. 1992, c.169 permitted the Administrative Office of the Courts to impose a transaction fee on all persons sentenced to probation every time they make a payment toward court-ordered fines, Victims of Crime Compensation Board assessments, Drug Enforcement Demand Reduction penalties, forensic lab fees and restitution awards. These transaction fees are then deposited into the Court Computerized Collections Fund, and used to automate and improve the Judiciary's collections operation. The FY 2000 recommendation of \$400,000 represents a 45 percent or \$125,000 increase over the FY 1999 adjusted appropriation of \$275,000 and reflects increased collections for the program.

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 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 and is projected to collect about \$565,000 in user fees during FY 2000. These user fees are deposited in the "Court Computer Information Systems Fund", which is dedicated to the development, operation and maintenance of computerized court information systems.

The AOC's Bulletin Board system, which provided access to centrally located and current judicial databases from the New Jersey courts including court opinions from the Supreme, Appellate, Chancery and Tax Courts, has been discontinued because the information on that system has recently been made available to users through the Internet at no charge.

Line of Credit

The Judiciary is recommended to receive an additional \$2 million for additions, improvements and equipment in FY 2000. This increased funding would support the Judiciary's second year payment on its line of credit for the Judiciary Data Center mainframe hardware upgrade. The first payment was funded in FY 1999 through carry forward balances.

The funding increase would also support a line of credit for the Electronic Filing and Optical Imaging - Special Civil Part computer equipment. The goal of the Electronic Filing and Optical Imaging Project is to improve the efficiency of the Special Civil Part by replacing the current manual case filing systems with an automated, image-based case filing retrieval system, thereby eliminating the need for paper case files and storage. Each year, the Superior Court processes and adjudicates over 442,000 cases in the Special Civil Part, Civil Division. The jackets for these cases contain an estimated 1.6 million documents with over 5 million pieces of paper that the courts are required to process, store, maintain and archive. The increasing volume of motions, orders, opinions, correspondence, and related documents has created a huge paper case filing system and storage requirement.

Program Description and Overview (Cont'd)

In addition, funding is recommended in this line item for a line of credit for furnishings for the Middlesex County Family courthouse. Under current law, while the State has become responsible for funding the operation of the trial courts, the counties retain responsibility for providing and maintaining the facilities within which these courts are housed. In accordance with this, Middlesex County has agreed to build a new free-standing courthouse designed to house the Family Court arm of the Superior Court of Middlesex Vicinage and to fund the cost of construction. The FY 2000 recommendation would provide a line of credit payment for the furnishings required for the judges and staff in the new facility.

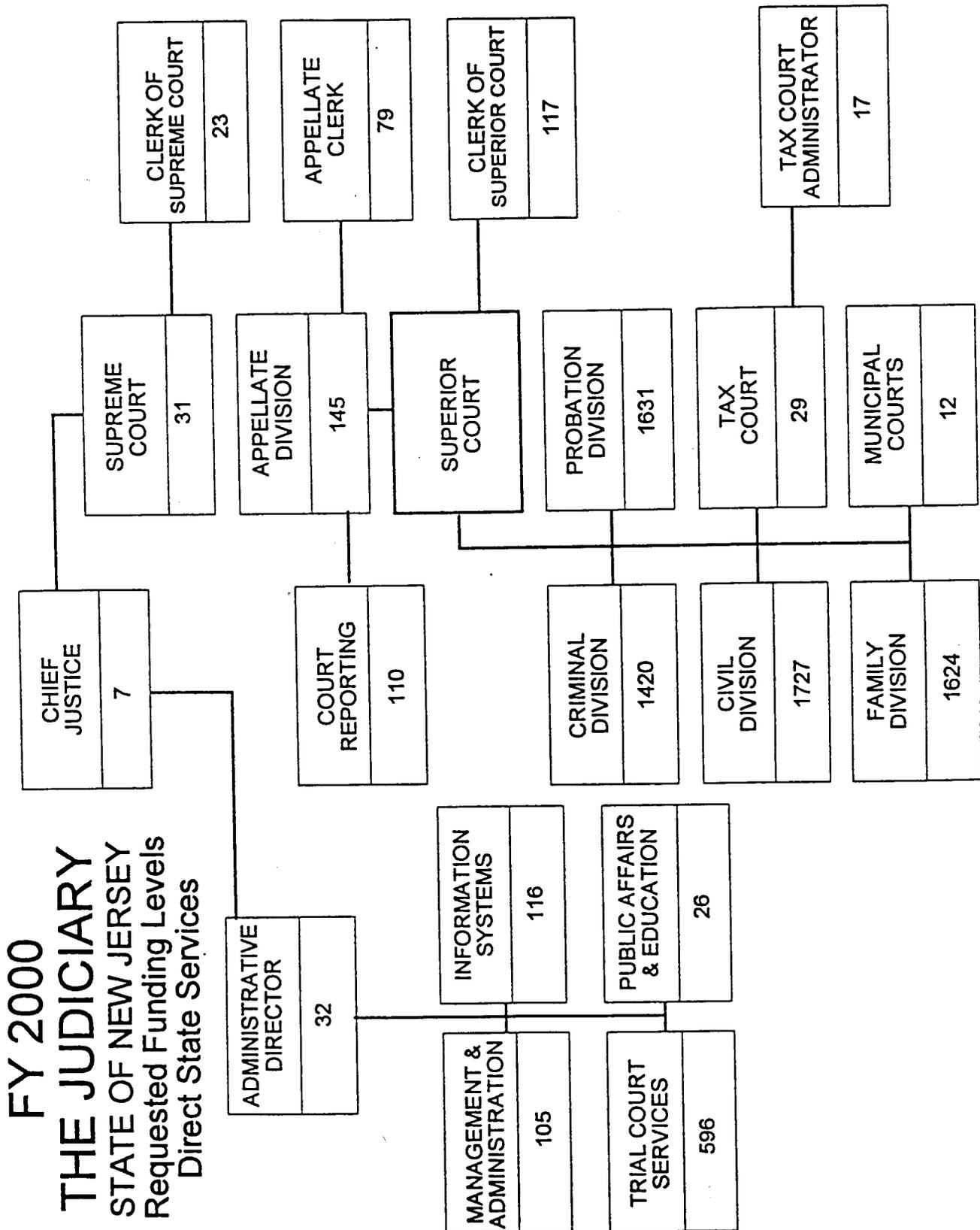
Year 2000 Data Processing Upgrade

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, 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. In FY 1999, the Judiciary received \$7.1 million, for total available funding of \$10.3 million for the project. According to the Administrative Office of the Courts, the Judiciary is prepared for the onset of the Year 2000 and it anticipates no major difficulties with the transition into the new century.

Carry Forward

The Judiciary has historically received authorization to carry forward unexpended balances into the following fiscal year. The FY 1999 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 1998. 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. According to the Administrative Office of the Courts, the Judiciary maintained a carry forward balance of \$16 million into FY 1999 which was used primarily to fund these salary payments. FY 2000 recommended budget language would permit the Judiciary to carry forward up to \$2 million in unexpended balances at the end of FY 1999 subject to the approval of the Director of the Division of Budget and Accounting.

Organization Chart



FY 2000
THE JUDICIARY
 STATE OF NEW JERSEY
 Requested Funding Levels
 Direct State Services

Fiscal and Personnel Summary

AGENCY FUNDING BY SOURCE OF FUNDS (\$000)

	Expended FY 1998	Adj. Approp. FY 1999	Recom. FY 2000	Percent Change	
				1998-00	1999-00
<u>General Fund</u>					
Direct State Services	\$365,750	\$383,163	\$391,653	7.1%	2.2%
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%
Sub-Total	\$365,750	\$383,163	\$391,653	7.1%	2.2%
<u>Property Tax Relief Fund</u>					
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%
Sub-Total	\$0	\$0	\$0	0.0%	0.0%
<u>Casino Revenue Fund</u>	\$0	\$0	\$0	0.0%	0.0%
<u>Casino Control Fund</u>	\$0	\$0	\$0	0.0%	0.0%
State Total	\$365,750	\$383,163	\$391,653	7.1%	2.2%
<u>Federal Funds</u>	\$42,488	\$50,644	\$49,877	17.4%	-1.5%
<u>Other Funds</u>	\$16,685	\$17,242	\$19,652	17.8%	14.0%
Grand Total	\$424,923	\$451,049	\$461,182	8.5%	2.2%

PERSONNEL SUMMARY - POSITIONS BY FUNDING SOURCE

	Actual FY 1998	Revised FY 1999	Funded FY 2000	Percent Change	
				1998-00	1999-00
State	7,391	7,599	7,847	6.2%	3.3%
Federal	1,162	1,173	1,209	4.0%	3.1%
All Other	170	177	187	10.0%	5.7%
Total Positions	8,723	8,949	9,243	6.0%	3.3%

FY 1998 (as of December) and revised FY 1999 (as of September) personnel data reflect actual payroll counts. FY 2000 data reflect the number of positions funded.

AFFIRMATIVE ACTION DATA

Total Minority Percent	28.0%	29.0%	28.0%	----	----
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Significant Changes/New Programs (\$000)

<u>Budget Item</u>	<u>Adj. Approp.</u> <u>FY 1999</u>	<u>Recomm.</u> <u>FY 2000</u>	<u>Dollar</u> <u>Change</u>	<u>Percent</u> <u>Change</u>	<u>Budget</u> <u>Page</u>
REVENUE:					
Court Unification					
County					
Reimbursements	\$4,807	\$0	(\$4,807)	(100.0)%	C-12

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 were responsible for making decreasing phase-out payments to the State. The final payment for the assumption of the county courts was made to the State in FY 1999.

DIRECT STATE**SERVICES:**

Salaries and Wages	\$256,019	\$261,357	\$5,338	2.1%	D-443
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Of the recommended increase, \$4.5 million would provide funding for 100 court reporter positions and 10 support staff, 75 more court reporters than those funded in FY 1999. In recent years, the Judiciary has been under funded in this area, and has supported these positions through carry forward balances. Currently, 111 court reporter positions are filled. Recommended language would permit the Judiciary to carry forward a maximum of \$2 million in unexpended balances into FY 2000.

An additional \$1 million has been recommended in FY 2000 for 25 new juvenile probation officer positions. Budget evaluation data indicate that there are currently about 17,000 juveniles under probation supervision in the State. There currently are 198 probation officers to handle these cases. The addition of these positions would reduce the probation officer case load from the current case load of 85 cases per probation officer to 76 cases per probation officer. However, if the number of juveniles under supervision reaches 18,000 as projected for FY 2000, the caseload would only be reduced to about 81 cases per probation officer. According to the Judiciary, the optimal case load for juvenile probation officers is 50 cases per officer.

Youth Violence

Initiative	\$0	\$1,000	\$1,000	—	D-443
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The FY 2000 recommendation would provide funding for Family Crisis Intervention Units (FCIU) to expand their services in family crises situations. Currently, Family Crisis Intervention Units exist in each county. These units offer a stabilizing environment where youth-family crises are addressed with either mediation or referral to appropriate services. The recommended funding would provide for a new position in each county, a total of 21 new positions, and permit the expansion of the definition of "Juvenile Family Crisis" to include patterns of repeated violent conduct or threats of serious bodily injury.

Significant Changes/New Programs (\$000) (Cont'd)

<u>Budget Item</u>	<u>Adj. Approp. FY 1999</u>	<u>Recomm. FY 2000</u>	<u>Dollar Change</u>	<u>Percent Change</u>	<u>Budget Page</u>
Child Support and Paternity Program Title IV-D (Family Court)	\$4,823	\$4,846	\$23	0.5%	D-444
Child Support and Paternity Program Title IV-D (Probation)	\$16,856	\$17,792	\$936	5.6%	D-444

Funding for these programs provides the required State share for the Title IV-D Child Support and Paternity programs within the Family Court and 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 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. 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. The Child Support program has been absorbing various charges and increased costs over the past year. The FY 2000 budget recommendation is based on the Judiciary's FY 1998 expenditure level for its Title IV-D activities.

Additions Improvements and Equipment	\$4,071	\$6,077	\$2,006	49.3%	D-444
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Of the amount recommended, \$241,000 would fund the Judiciary's second year payment on its line of credit for the Judiciary data center mainframe hardware upgrade. The first payment was funded in FY 1999 through carry forward balances. The FY 2000 recommendation also includes \$508,000 to fund a line of credit for the electronic filing and optical imaging - Special Civil Part computer equipment. The goal of the Electronic Filing and Optical Imaging Project is to improve the efficiency of the Special Civil Part of the trial courts by replacing the current manual case filing systems with an automated, image-based case filing retrieval system, thereby eliminating the need for paper case files.

The FY 2000 recommendation also includes an appropriation of \$250,000 for furnishings for the Middlesex County family courthouse. Under current law, while the State has become responsible for funding the operation of the trial courts, the counties maintain responsibility for providing and maintaining the facilities within which these courts are housed. In accordance with this, Middlesex County has agreed to build a new free standing courthouse designed to house the Family Court arm of the Superior Court of Middlesex Vicinage and to fund the cost of construction. The FY 2000 recommendation would provide for a line of credit payment for the furnishings required for the judges and staff in the new facility.

Significant Changes/New Programs (\$000) (Cont'd)

<u>Budget Item</u>	<u>Adj. Approp.</u> <u>FY 1999</u>	<u>Recomm.</u> <u>FY 2000</u>	<u>Dollar</u> <u>Change</u>	<u>Percent</u> <u>Change</u>	<u>Budget</u> <u>Page</u>
ALL OTHER FUNDS:					
Supreme Court	\$8,257	\$9,172	\$915	11.1%	D-444

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 \$5.5 million in FY 1999 to \$5.95 million in FY 2000, an increase of \$450,000. The New Jersey Lawyers Fund for Client Protection is estimated to increase by \$135,000, from \$842,000 to \$977,000.

The Bar Admissions Financial Committee is funded through a fee charged to all applicants to the New Jersey Bar Association. The \$215,000 estimated increase in this account, from \$1.76 million to \$1.97 million, 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 2000 recommendation for this program is expected to increase by \$76,000, from \$204,000 to \$280,000.

Municipal Court	\$7,050	\$8,209	\$1,159	16.4%	D-444
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The FY 2000 recommendation reflects an increase in the Automated Traffic System (ATS) Fund's collections, from \$7 million in FY 1999 to \$8.2 million in FY 2000. The ATS is self-funded through surcharges imposed on traffic tickets issued in the State. It provides a database on traffic and criminal violations to the municipal courts and provides for a direct exchange of information between the Division of Motor Vehicle Services and the municipal courts.

The Municipal Court Administrator Certification program, which is funded through user fees, is expected to be reduced by \$41,000 in FY 2000 from \$51,000 to \$9,000 to reflect the actual use of this program.

Probation Services	\$879	\$1,329	\$450	51.2%	D-444
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The recommended increase in this account reflects \$322,000 in increased revenue for the Comprehensive Enforcement Program. The 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. Under the program, the Judiciary was permitted to retain 25 percent of non-restitution and VCCB collections for program expenses, up to a maximum of \$550,000. P.L. 1997 c.280 eliminated the \$550,000 cap.

An additional \$125,000 increase in this line item represents the increased collections by the Court Computerized Collections Program from probationers who are making payments toward court ordered fines. Proceeds from the Court Computerized Collections Program are used for automating the Judiciary's collections operations.

Significant Changes/New Programs (\$000) (Cont'd)

<u>Budget Item</u>	<u>Adj. Approp.</u> <u>FY 1999</u>	<u>Recomm.</u> <u>FY 2000</u>	<u>Dollar</u> <u>Change</u>	<u>Percent</u> <u>Change</u>	<u>Budget</u> <u>Page</u>
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The Mercer Welfare Fraud program, which is funded on a 50 percent basis by both the county and Judiciary, reports an increase of \$3,000 in matching funds for the program.

Information Services	\$666	\$565	(\$101)	(15.2)%	D-444
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The FY 2000 recommendation represents the revenue anticipated by the Judiciary's electronic access to court records program. The Court Records Inquiry System makes available through electronic access, case and judgment information on the Civil Automated Case Management System. User fees from the system are deposited in the "Court Computer Information Systems Fund", which is dedicated to the development, operation and maintenance of computerized court information.

The Bulletin Board system, which provided access to centrally located and current judicial databases including court opinions from the Supreme, Appellate, Chancery and Tax Courts, had previously been a part of this system. However, because the information provided on the bulletin board system has been made available to users through the Internet at no charge, this system has been discontinued.

Language Provisions

1999 Appropriations Handbook

p. B-192

The unexpended balances as of June 30, 1998 in these respective accounts are appropriated; provided, however, that an amount not to exceed \$5,000,000 shall lapse, as the Director of the Division of Budget and Account shall determine.

2000 Budget Recommendations

p. D-145

The unexpended balances as of June 30, 1999 not to exceed \$2,000,000 in these respective accounts are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

Explanation

The Judiciary has historically received authorization to carry forward unexpended balances into the following fiscal year. The FY 1999 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 1998. 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. Because it is anticipated that these contracts will be settled and paid out by the end of FY 1999, FY 2000 recommended budget language would permit the appropriation of up to \$2 million in unexpended balances at the end of FY 1999, subject to the approval of the Director of the Division of Budget and Accounting.



Discussion Points

1. The Assembly Task Force on Domestic Violence received testimony indicating that part-time municipal prosecutors and judges lack the time and resources to properly handle criminal cases involving domestic violence complaints. The task force recommended that the State either remove all prosecution of criminal code domestic violence cases from municipal court or to strengthen the resources of municipal prosecutors and judges.

! *Question:* What would be the impact of transferring the prosecution of Criminal Code domestic violence cases to the Superior Court? What resources, if any would be required to effectuate this transfer? How would this affect the efficiency and effectiveness of processing domestic violence cases? How would this transfer affect municipal court operations?

2. The Assembly Task Force on Domestic Violence noted in its report that municipal and Superior Court judges are not adequately trained in the area of domestic violence. The task force recommended that Superior Court judges receive comprehensive training annually, including training on the psychology of domestic violence every year. Currently, Superior Court judges receive training every two years, with domestic violence incorporated as a part of that training.

! *Question:* Does the Judiciary provide training for municipal court judges? Is training for Superior Court judges mandatory? Please provide a description of the training program afforded to Superior Court judges, including the courses offered and the hours spent on each topic. What would be the cost of expanding the training of Superior Court judges in the area of domestic violence?

3. P.L. 1998, c.1, the "New Jersey Child Support Improvement Act" effected a variety of changes to the child support laws.

! *Question:* What impact have the changes had on child support collections? How have the changes affected the child support program in general?

4. According to the AOC, there are currently 20 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?

5. The Intensive Supervision Program, which provides an alternative to incarceration to certain adult offenders, is recommended to receive \$9.3 million in FY 2000, and expected to serve 1,215 participants. Evaluation data indicate that while the number of participants is expected to remain constant, the number of revocations will increase from 297 to 350 individuals, an 18 percent increase.

! *Question:* What is the reason for the expected increase in program revocations? What measures are taken to aid the offenders in successfully completing the program? What is the recidivism rate of Intensive Supervision Program participants?

Discussion Points (Cont'd)

6. The Juvenile Intensive Supervision Program is recommended to receive \$1.9 million in FY 2000, the same amount that it received in FY 1999. However, program evaluation data indicate that the program will serve 350 program participants in FY 2000 as opposed to 250 participants in FY 1999.

! *Question:* How is the program able to serve this additional population given no change in the appropriation level?

7. The FY 2000 budget recommends a new appropriation of \$1 million for a youth violence initiative which would expand the services of Family Crisis Intervention Units (FCIU) in each county to family crises situations involving repeated violent conduct or threats of serious bodily injury.

! *Question:* What services does the Family Crisis Intervention Unit provide to families in crisis? How will these units address violent situations?

8. The courts are required to afford equal access to court proceedings to all citizens. However, some individuals have physical disabilities which preclude them from participation without assistance, while others lack sufficient fluency in the English language to adequately participate.

! *Question:* How does the Administrative Office of the Courts provide for translation services to those who are not fluent in English? What accommodations are provided for the blind, the hearing impaired and the physically disabled citizens? How often are these special services called upon? What accommodations are made to permit these individuals to serve on juries?

Background Paper: Court Reporters

Budget Pages.... C-12, C-19 to C-20, D-437 to D-445

The FY 2000 budget recommends a \$7.2 million appropriation for Court Reporting, a \$4.5 million or 168 percent increase over the FY 1999 adjusted appropriation of \$2.7 million. In recent years, the Judiciary has been under funded in this area, and has supported these positions through carry forward balances. The budget recommendation would provide funding for an additional 75 court reporters over the FY 1999 funded level of 25 court reporters, resulting in a total of 100 funded court reporter positions in FY 2000.

Over the past several years, the court reporting program has been under close scrutiny of both the administration and the Legislature. Recent advances in audio and video technology as well as court reporting technology have prompted the Judiciary to re-evaluate the need for court reporting services and its place within the organization. During the past several fiscal years, the Governor's Budget has recommended an appropriation for the Judiciary that would not fully fund court reporter salaries, but would provide increased funding for alternative methods of recording. Each year during the appropriations process, the Legislature has demonstrated its intention that the Judiciary maintain a full complement of court reporters.

The Judiciary currently makes use of a variety of technologies to provide a record of court proceedings. The traditional method has been to employ court reporters who use special equipment to record and provide verbatim transcripts of a court proceeding. In recent years, advances in audio and video technology has permitted the court to provide an alternative method to produce court records. Because the major expense generated by these technologies is the initial equipment acquisition and maintenance and audio and video tape replacements, these alternative technologies can produce court records at substantial savings over the use of court reporters over the long term. However, the use of electronic technology runs the risk of equipment malfunction, and the loss of a clear and accurate court record. The Administrative Office of the Courts (AOC), notes that there are 42 video systems in place Statewide. Each vicinage has a minimum of one video system operating within the vicinage.

According to the AOC "The use of Official Court Reporters is vital in a range of circumstances". For example, a court reporter would be required under the Americans with Disability Act when a disabled participant (deaf or other disability) would require immediate written transcripts. The AOC further notes that "the most common deployment of reporters is to cover criminal trials and complex civil litigation first, then to assign the balance of the available reporters to cover other criminal matters." Family and Special Civil Courts are generally covered by electronic recording, unless special circumstances or case complexity demand the use of a court reporter record.

The AOC states that complex litigation requires an official court reporter because the reporter is better able to find and read back testimony quickly, thus saving court time and resources. Others note that multi-party litigation often requires an official court reporter because of the need to manage and record several parties speaking at once. Court reporters have the ability to request a suspension in the proceedings and a repeat of testimony in order to allow them to produce clear transcripts and to reduce the probability of garbled or incoherent court records. The AOC notes that, court reporter presence is required during high profile trials, or those trials in which an appeal is likely.

Advances in court reporter technology have permitted specially trained reporters to instantly

Background Paper: Court Reporters (Cont'd)

produce transcripts for court use. Known as "real-time" court reporting, this system permits the reporter to type symbols into a computer which instantly translate into text for viewing on a computer screen that can be viewed simultaneously by all participants in the court proceeding. While the AOC would prefer that all of its court reporters be trained in and use real time technology, the AOC has not required it. This is because court reporters are required to provide for their own training as well as for the acquisition and maintenance of their personal recording equipment. As a result, some of these individuals have made the investment in, and become trained in, real-time court reporting, while others continue to use the traditional method. Currently of the 111 court reporters employed by the Administrative Office of the Courts twenty-six are trained in real time technology.

Court reporters are paid an annual salary by the Judiciary. In addition, they receive compensation from transcript recipients for every page of court transcripts that they produce and provide to parties involved in litigation.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services provides nonpartisan assistance to the State Legislature in the areas of legal, fiscal, research, bill drafting, committee staffing and administrative services. It operates under the jurisdiction of the Legislative Services Commission, a bipartisan body consisting of eight members of each House. The Executive Director supervises and directs the Office of Legislative Services.

The Legislative Budget and Finance Officer is the chief fiscal officer for the Legislature. The Legislative Budget and Finance Officer collects and presents fiscal information for the Legislature; serves as Secretary to the Joint Budget Oversight Committee; attends upon the Appropriations Committees during review of the Governor's Budget recommendations; reports on such matters as the committees or Legislature may direct; administers the fiscal note process and has statutory responsibilities for the review of appropriations transfers and other State fiscal transactions.

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Individuals wishing information and committee schedules on the FY 2000 budget are encouraged to contact:

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