

ANALYSIS OF THE NEW JERSEY FISCAL YEAR 2000 - 2001 BUDGET



THE JUDICIARY

PREPARED BY

OFFICE OF LEGISLATIVE SERVICES

NEW JERSEY LEGISLATURE

MARCH 2000

NEW JERSEY STATE LEGISLATURE

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This report was prepared by the Judiciary Section of the Office of Legislative Services under the direction of the Legislative Budget and Finance Officer. The primary author was Anne C. Raughley

Questions or comments may be directed to the OLS Judiciary Section (Tel. 609 292-5526) or the Legislative Budget and Finance Office (Tel. 609 292-8030).

THE JUDICIARY

Budget Pages..... C-13; C-20; C-27; D-473 to D-481

Fiscal Summary (\$000)

	Expended FY 1999	Adjusted. Appropriation FY 2000	Recommended FY 2001	Percent Change 2000-01
State Budgeted	\$402,520	\$410,472	\$419,362	2.2%
Federal Funds	48,676	50,373	59,147	17.4%
<u>Other</u>	<u>20,143</u>	<u>19,652</u>	<u>21,230</u>	<u>8.0%</u>
Grand Total	\$471,339	\$480,497	\$499,739	4.0%

Personnel Summary - Positions By Funding Source

	Actual FY 1999	Revised FY 2000	Funded FY 2001	Percent Change 2000-01
State	7,542	7,506	7,841	4.5%
Federal	1,188	1,294	1,363	5.3%
<u>Other</u>	<u>178</u>	<u>173</u>	<u>199</u>	<u>15.0%</u>
Total Positions	8,908	8,973	9,403	4.8%

FY 1999 (as of December) and revised FY 2000 (as of September) personnel data reflect actual payroll counts. FY 2001 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 2001 State funding for the Judiciary is \$419.4 million, a 2 percent increase over the FY 2000 adjusted appropriation of \$410.5 million.
- ! Judicial salaries were increased in stages over a three-year period beginning on January 1, 2000 pursuant to P.L. 1999 c. 380. Under the statute, the Chief Justice, Superior Court Associate Justices, Superior Court Appellate Justices, Assignment Judges and Tax Court Judges will all become eligible for increases on January 1, 2000, 2001, and 2002, respectively. The sum of \$4.9 million is included in the Interdepartmental accounts section of the Governor's recommended budget to fund that portion of the judges' salary increases which will take effect in FY 2001.
- ! The FY 2001 budget recommends a new appropriation of \$2.2 million to rewrite and modernize the Family Automated Case Tracking System (FACTS). FACTS provides an automated docket in all Family Division cases in the trial courts. It also provides the mechanisms to manage those cases from filing through to disposition. Currently, FACTS includes over 700 programs, with over 450,000 transactions daily by more than 500 authorized users, both in the Judiciary and in other law enforcement agencies.
- ! The FY 2001 budget includes a new recommendation \$1.7 million to fund the development and testing of electronic filing in the Civil-Law Division cases and dissolution (divorce) cases. According to Budget evaluation data, in FY 2000 there were about 58,000 divorce cases and 114,000 other case filed. Under electronic filing, attorneys would be able to file pleadings electronically over the Internet, saving time and money. Ultimately, the system is intended to transform court operations into a paperless operation.
- ! The FY 2001 budget would increase the Judiciary's Additions Improvements and Equipment account from \$6.4 million to \$6.8 million, a net increase of \$432,000. Included in this line item is \$530,000 to fund the first of three annual payments on a line of credit for furniture for the vicinages' expanding operations.
- ! The FY 2001 budget recommendation includes \$386,000 for the State assumption of federal funding for the Camden and Essex Vicinage Drug Court programs. These vicinages have been operating federally funded adult drug courts through federal Office of Justice Programs since 1997. Each court initially received planning and implementation grants. Federal funding for these programs will be exhausted during FY 2001.
- ! State funding for the Title IV-D Child Support and Paternity Program is recommended to increase by \$4.1 million in FY 2001, for a total of \$26.7 million. The increase will fund contractual increases in both salaries and fringe benefits, as well as continue the process of equalizing the pay of judicial employees begun at the onset of court unification.
- ! The Family Courts and Probation Services are recommended to receive a total of \$58.6 million in federal funds in FY 2001, \$8.4 million more than the amount received in FY 2000. The major portion of this increase is attributed federal match to the Title IV-D Child Support and Paternity Program. Funding for the Title IV-D program is distributed among the 15 vicinages according to the number of child support cases each vicinage handles.

Program Description and Overview

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, and Court Reporting Services. Probation Services is responsible for the statewide supervision of all probationers and services provided in the 15 vicinages. 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 2001 recommended Direct State Services budget for the Judiciary is \$419.4 million, 2 percent more than its FY 2000 adjusted appropriation of \$410.5 million.

The Judiciary's FY 2001 budget recommendation includes a Direct State Services appropriation of \$283 million for the operation of the 15 trial court vicinages. The vicinages are also recipients of approximately \$41 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 \$780 million in child support payments in FY 2001, distributing 3.8 million checks to custodial parents, an increase of \$44 million over the FY 2000 estimated collection level of \$736 million.

The FY 2001 budget recommendation for the combined State and federal funding of the Title IV-D Child Support and Paternity program totals \$84.6 million. Of this amount, the State share totals \$26.7 million and the federal share is \$57.9 million, of which the State will receive \$52 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.

Personnel

The Judiciary has a total of 447 judicial positions. Of these, seven are Supreme Court justices, 12 are Tax Court judges, and 428 are Superior Court judges. According to the Administrative Office of the Courts, 28 of these positions are currently vacant. Another 12 judicial positions are expected to become vacant due to retirements by July 1, 2000. The FY 2001 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.

Judicial salaries were increased in stages over a three-year period beginning on January 1, 2000 pursuant to P.L. 1999 c. 380. Under the statute, the Chief Justice, Superior Court Associate Justices, Superior Court Appellate Justices, Assignment Judges and Tax Court Judges will all become eligible for increases on January 1, 2000, January 1, 2001, and January 1, 2002, respectively, as follows:

Program Description and Overview (Cont'd)

Judicial Salary Increases

P.L. 1999 c.380	Effective Prior to December 31, 1999	Effective January 1, 2000	Effective January 1, 2001	Effective January 1, 2002
Supreme Court Chief Justice	\$138,000	\$149,018	\$156,634	\$164,250
Supreme Court Associate Justice	\$132,250	\$145,881	\$152,191	\$158,500
Superior Court Appellate Judge	\$124,200	\$141,176	\$145,588	\$150,000
Superior Court Assignment Judge	\$120,750	\$138,036	\$142,393	\$146,750
Superior Court Judge	\$115,000	\$133,330	\$137,165	\$141,000
Tax Court Judge	\$115,000	\$133,330	\$137,165	\$141,000

The sum of \$4.9 million is included in the Interdepartmental accounts portion of the Governor's recommended budget to fund that portion of the judges' salary increases which will take effect in FY 2001.

The FY 2001 budget provides funding for 9,403 State, federal and other positions. Of these positions, 7,841 are State supported, 1,363 are federally funded, and 199 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.

Title IV-D Child Support and Paternity Program

Under the Title IV-D Child Support and Paternity 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, the Probation Division takes the necessary steps to remedy the situation. Probation collects and disburses all child support funds received.

Program Description and Overview (Cont'd)

The FY 2001 recommended appropriation for the State portion of the Title IV-D program constitutes a \$4.1 million or 15 percent increase over the FY 2000 appropriation. Because the Federal government matches the State payments for child support programs on a 2 to 1 basis, its contribution to the program is expected to increase proportionately. The increase will fund contractual increases in both salaries and fringe benefits, as well as continue the process of equalizing the pay of judicial employees begun at the onset of court unification.

Intensive Supervision/Alternatives to Incarceration

The Intensive Supervision Program (ISP) is recommended to receive \$9.5 million in FY 2001, the same amount as the FY 2000 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 2000, the program diverted 1,217 non-violent adult offenders from the State's prisons. Of these offenders, 384, or 32 percent, were returned to prison for various infractions of the ISP regulations. The FY 2001 recommended appropriation would again support 1,217 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 2001. The program is structured to provide Juvenile court judges with an alternative to incarceration for selected juvenile offenders. The FY 2001 recommended appropriation would support 200 program participants. Of these offenders, 80, or 40 percent of the program participants, are expected to be returned to the juvenile justice system for various infractions of the JISP regulations.

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 \$4.125 million in the Department of Corrections' FY 2001 budget. This amount would provide treatment for 200 participants in the program.

In addition, the FY 2001 budget recommendation includes \$386,000 for the State assumption of federal funding for the Camden and Essex Vicinage Drug Court programs. These vicinages have been operating federally funded adult drug courts through the Office of Justice Programs since 1997. Each court initially received planning and implementation grants. Federal funding for these programs will be exhausted during FY 2001, however, and the FY 2001 recommendation would ensure continuation funding for the program in these vicinages. Currently, the Camden Vicinage Drug Court services 143 clients, and the Essex Vicinage serves 125 clients.

Program Description and Overview (Cont'd)

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 (VCCB) 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.

In FY 1999 the Comprehensive Enforcement program's actual collections on behalf of State and local government creditors, victims of crime and individuals to whom restitution is owed totaled about \$7.6 million. Of this amount, \$3.6 million represented payments for victim restitution and VCCB assessments. Based on this data, the Comprehensive Enforcement program expects to retain about \$1 million for operating expenses in FY 2001.

Computerized Court Activities

The FY 2001 budget includes a new recommendation of \$1.7 million to fund the development and testing of electronic filing in the Civil-Law Division cases and dissolution (divorce) cases. According to Budget evaluation data, in FY 2000 there were about 58,000 divorce cases and 114,000 other case filed. Under electronic filing, attorneys would be able to file pleadings electronically over the Internet. Ultimately, the system is intended to transform court operations into a paperless operation.

The Court Computerized Collections Program, which was authorized under P.L. 1992, c.169 permits 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 (VCCB) assessments, Drug Enforcement Demand Reduction (DEDR) 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 2001 recommendation of \$400,000 for the program is the same amount that was appropriated in FY 2000.

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 \$633,000 in user fees during FY 2001. 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.

Information Technology

The FY 2001 budget recommends a new appropriation of \$2.2 million to rewrite and modernize the Family Automated Case Tracking System (FACTS). FACTS provides an automated

Program Description and Overview (Cont'd)

docket in all Family Division cases in the trial courts. It also provides the mechanisms to manage those cases from filing through to disposition. Currently, FACTS includes over 700 programs, with over 450,000 transactions daily by more than 500 authorized users, both in the Judiciary and in other law enforcement agencies.

FACTS is often operated on an emergent basis, as when the courts or law enforcement agencies require immediate, up-to-date information on domestic violence cases and charges.

Under the modernization effort, the plan is to reconfigure the system to make it more "user friendly". This upgrade would make it easier for court employees to enter data, manipulate data, compile reports and deliver usable information for court managers and other agencies, thus increasing the efficiency of court operations.

The FY 2001 recommendation represents the first of a two-year project to design the Graphical User Interface (GUI) program and provides funding for seven positions, hardware, software, contractors, data communications and training. The first year of the program will constitute the development and testing of the GUI in two counties as a pilot project.

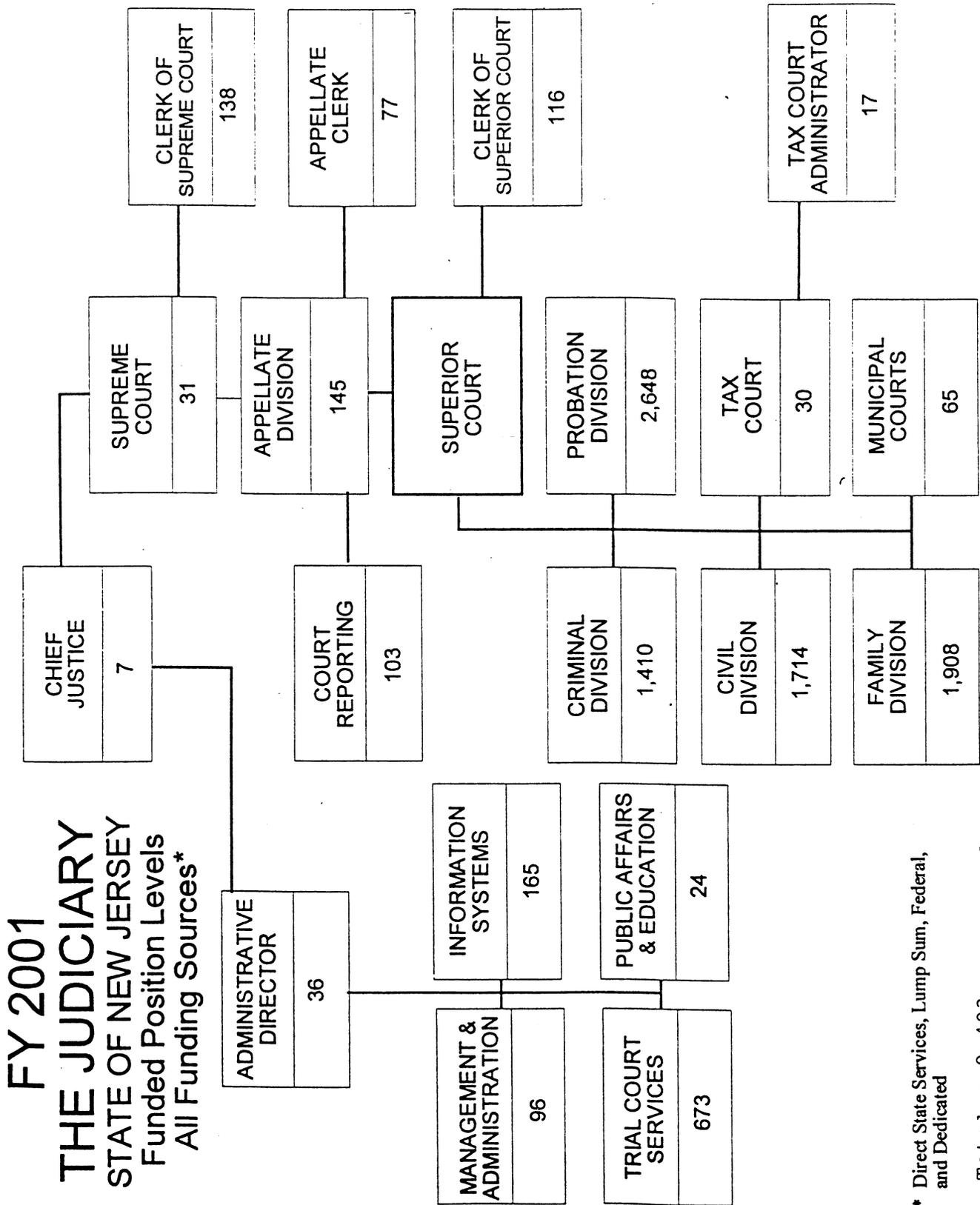
Line of Credit

The FY 2001 budget would increase the Judiciary's Additions Improvements and Equipment account from \$6.4 million to \$6.8 million, a net increase of \$432,000. Included in this line item is \$530,000 to fund the first of three annual payments on a line of credit for furniture for the vicinages' expanding operations.

Carry Forward

The Judiciary has historically received authorization to carry forward unexpended balances into the following fiscal year. FY 2001 recommended budget language would permit the Judiciary to carry forward up to \$2 million in unexpended balances at the end of FY 2000 subject to the approval of the Director of the Division of Budget and Accounting. This is the same language that had been in effect in FY 2000.

Organization Chart



FY 2001
THE JUDICIARY
 STATE OF NEW JERSEY
 Funded Position Levels
 All Funding Sources*

* Direct State Services, Lump Sum, Federal, and Dedicated

Total = 9,403

Fiscal and Personnel Summary

AGENCY FUNDING BY SOURCE OF FUNDS (\$000)

	Expended FY 1999	Adj. Approp. FY 2000	Recom. FY 2001	Percent Change	
				1999-01	2000-01
General Fund					
Direct State Services	\$402,520	\$410,472	\$419,362	4.2%	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	\$402,520	\$410,472	\$419,362	4.2%	2.2%
Property Tax Relief Fund					
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%
Casino Revenue Fund	\$0	\$0	\$0	0.0%	0.0%
Casino Control Fund	\$0	\$0	\$0	0.0%	0.0%
State Total	\$402,520	\$410,472	\$419,362	4.2%	2.2%
Federal Funds	\$48,676	\$50,373	\$59,147	21.5%	17.4%
Other Funds	\$20,143	\$19,652	\$21,230	5.4%	8.0%
Grand Total	\$471,339	\$480,497	\$499,739	6.0%	4.0%

PERSONNEL SUMMARY - POSITIONS BY FUNDING SOURCE

	Actual FY 1999	Revised FY 2000	Funded FY 2001	Percent Change	
				1999-01	2000-01
State	7,542	7,506	7,841	4.0%	4.5%
Federal	1,188	1,294	1,363	14.7%	5.3%
All Other	178	173	199	11.8%	15.0%
Total Positions	8,908	8,973	9,403	5.6%	4.8%

FY 1999 (as of December) and revised FY 2000 (as of September) personnel data reflect actual payroll counts. FY 2001 data reflect the number of positions funded.

AFFIRMATIVE ACTION DATA

Total Minority Percent	30.0%	30.0%	29.0%	----	----
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Significant Changes/New Programs (\$000)

<u>Budget Item</u>	<u>Adj. Approp. FY 2000</u>	<u>Recomm. FY 2001</u>	<u>Dollar Change</u>	<u>Percent Change</u>	<u>Budget Page</u>
DIRECT STATE SERVICES					
Special Purpose:					
Child Support and Paternity Program Title					
IV-D Family Court)	\$4,846	\$6,198	\$1,352	27.9%	D-480
Child Support and Paternity Program Title					
IV-D (Probation)	\$17,792	\$20,499	\$2,707	15.2%	D-480

Funding for these programs provides the 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. 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, the Probation Division takes the necessary steps to remedy the situation. Probation collects and disburses all child support funds received.

The recommended increase will fund contractual increases in both salaries and fringe benefits, as well as continue the process of equalizing the pay of judicial employees begun at the onset of court unification.

Information Systems

Division FACTS

Graphical User

Interface	\$0	\$2,214	\$2,214	—	D-480
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The FY 2001 recommendation would permit the AOC to rewrite and modernize the Family Automated Case Tracking System (FACTS). FACTS provides an automated docket in all family Division cases in the trial courts, as well as the mechanisms to manage those cases from filing through to disposition. Currently, FACTS includes over 700 programs, with over 450,000 transactions daily by more than 500 authorized users, both in the Judiciary and in other law enforcement agencies.

The FY 2001 recommendation represents the first of a two-year project to design the Graphical User Interface (GUI) program. The first year of the program will constitute the development and testing of the GUI in two counties as a pilot project.

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

<u>Budget Item</u>	<u>Adj. Approp. FY 2000</u>	<u>Recomm. FY 2001</u>	<u>Dollar Change</u>	<u>Percent Change</u>	<u>Budget Page</u>
Information Systems Division-Electronic Filing-Law and Dissolution	\$0	\$1,701	\$1,701	—	D-480

The FY 2001 recommendation would fund the development and testing of electronic filing in the Civil-Law Division cases and dissolution (divorce) cases. According to Budget evaluation data, in FY 2000 there were about 58,000 divorce cases and 114,000 other case filed. Under electronic filing, attorneys would be able to file pleadings electronically over the Internet, saving time and money. Ultimately, the system is intended to transform court operations into a paperless operation.

Additions, Improvements and Equipment	\$6,441	\$6,873	\$432	6.7%	D-480
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The recommended increase would permit the Judiciary to fund a line of credit for equipment and furniture. Various county facilities are being renovated and/or expanded and, as these occur, space is becoming available to the Judiciary to relocate offices, create courtrooms and consolidate program staff into a centralized location. The new equipment and furniture will be used in the new and renovated facilities.

FEDERAL FUNDS:

Criminal Courts	\$100	\$520	\$420	420.0%	D-480
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These federal funds, although displayed in FY 2001, were appropriated in FY 2000. The recommended increase in federal funding for the criminal courts consists of grants awarded to three vicinages for drug court programs. Camden Vicinage is recommended to receive \$200,000, Essex Vicinage is recommend to receive \$196,000 and Ocean Vicinage is recommended to receive \$24,000. This funding was made available by the federal government in FY 2000, but could not be spent until the enactment of a supplemental appropriation which was enacted in January, 2000 (P.L. 1999, c.379). In anticipation of this supplemental appropriation, the budget recommendation displays the funding in FY 2001. As noted in the Budget in Brief (p. 126), \$386,000 in State funding is recommended in FY 2001 to replace these federal funds.

In addition to the amounts listed above, P.L. 1999, c.379 appropriated \$200,000 in federal funding to Hudson Vicinage for drug court.

Family Courts	\$12,041	\$14,550	\$2,509	20.8%	D-480
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The major portion of federal funding received by the family courts is for the Title IV-D Child Support and Paternity program. The FY 2001 recommendation of \$13.89 million for that program represents an increase of \$2.2 million over the FY 2000 appropriation of \$11.7 million. Funding for the program is distributed among the 15 vicinages according to the number of child support cases each vicinage handles. Under Title IV-D, the federal government reimburses the State 66.67 percent of

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

<u>Budget Item</u>	<u>Adj. Approp. FY 2000</u>	<u>Recomm. FY 2001</u>	<u>Dollar Change</u>	<u>Percent Change</u>	<u>Budget Page</u>
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the cost of operating this function, while the State is responsible for the remaining 33.3 percent.

The remaining increase in federal funding is a new \$200,000 grant to the Hudson Vicinage to develop automatic linkages, and an \$82,000 grant to the Family Courts central office for the Violence Against Women Grant (VAWA).

Probation Services	\$38,232	\$44,077	\$5,845	15.3%	D-480
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All of the federal funding received by the Probation Services Division is for the Title IV-D Child Support and Paternity program. The FY 2001 recommendation of \$44.1 million for this program represents an increase of \$5.8 million over the FY 2000 appropriation of \$38.2 million. Funding for the program is distributed among the 15 vicinages according to the number of child support cases each vicinage handles. 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.

ALL OTHER FUNDS

Supreme Court	\$9,172	\$10,105	\$933	10.2%	D-480
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There are four funds that are included in this funding category for the Supreme Court. 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 \$5.94 million in FY 2000 to \$6.31 million in FY 2001, an increase of \$370,000. The New Jersey Lawyers Fund for Client Protection is estimated to increase by \$121,000, from \$977,000 to \$1,098,000.

The Bar Admissions Financial Committee is funded through a fee charged to all applicants to the New Jersey Bar Association. The \$173,000 estimated increase in this account, from \$1.97 million to \$2.14 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 2001 recommendation for this program is expected to increase by \$270,000, from \$280,000 to \$550,000.

Civil Courts	\$377	\$442	\$65	17.2%	D-480
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The FY 2001 recommendation represents an increase in the amount of revenue anticipated from the Superior Court Trust Fund in FY 2001.

Probation Services	\$1,329	\$1,568	\$239	18.0%	D-480
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The recommended increase in this account reflects \$105,000 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

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

<u>Budget Item</u>	<u>Adj. Approp. FY 2000</u>	<u>Recomm. FY 2001</u>	<u>Dollar Change</u>	<u>Percent Change</u>	<u>Budget Page</u>
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may request that any matters not resolved in accordance with their courts be transferred to the Comprehensive Enforcement Program. Under the program, the Judiciary is permitted to retain 25 percent of non-restitution and VCCB collections for program expenses.

In addition, Passaic Vicinage is anticipated to receive \$95,000 for a Domestic Violence Initiative Grant from the Robert Wood Johnson Foundation in FY 2001. The program identifies and treats substance abuse in batterers in an effort to break the cycle of substance abuse and battering. Mercer Vicinage is expected to receive an additional \$39,000 in miscellaneous grant funding.

Information Services	\$565	\$805	\$240	42.5%	D-480
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The FY 2001 recommendation includes 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 FY 2001 appropriation of \$633,000 represents an increase of \$68,000, or 12 percent over the FY 2000 collections for this program. In addition to this, the sum of \$172,000 in special revenue is anticipated for the County Correctional Information System.

Language Provisions

2000 Appropriations Handbook

p. B-180

The unexpended balances as of June 30, 1999 in the Civil Arbitration Program and the Ten Additional Judgeships and the twelve additional judgeships accounts are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

2001 Budget Recommendations

p. D-481

Reference to ten additional judgeships and twelve additional judgeships is deleted.

Explanation

Funding for the additional judges positions has been included in the Judiciary's Salary and Wages line item. This language is no longer required.



2000 Appropriations Handbook

p. B-180

Receipts in excess of the amount hereinabove for the Ten Additional Judgeships account are appropriated for the same purpose subject to the approval of the Director of the Division of Budget and Accounting

2001 Budget Recommendations

No comparable language.

Explanation

Funding for the additional judges positions has been included in the Judiciary's Salary and Wages line item, and this language is no longer required.



Language Provisions (Cont'd)

2000 Appropriations Handbook

2001 Budget Recommendations

Receipts from charges to the Superior Court Trust Fund, NJ Lawyers Fund for Client Protection, Disciplinary Oversight Committee, Board on Attorney Certification, Bar Admission Financial Committee, Automated Traffic System Fund, Municipal Court Administrator Certification, Comprehensive Enforcement Program, and Courts Computerized Information Systems Fund are appropriated for the services provided to these funds.

Language amended to add the Parents' Education Fund.

Explanation

This language has been amended to add that funds from a newly formed dedicated fund program, the Parents' Education Program, authorized under P.L. 1999 c.111 be appropriated, subject to the approval of the Director of the Division of Budget and Accounting.



Discussion Points

1. In FY 2000, funds were appropriated to support 7,847 State funded positions. As of September 1999, 7,506 positions were filled. As of early February, 2000, 7,561 full time positions were filled. This would suggest that almost 290 positions are funded but vacant.

! Question: Please discuss the factors which have precluded these positions from being filled. In what programs and vicinages are the funded vacancies located? What are the salary levels of these positions?

2. The Assembly Task Force on Adolescent Violence stated the following in its June 7, 1999 report:

The Administrative Office of the Courts in consultation with the Juvenile Justice Commission should evaluate existing programs and interventions directed toward at-risk and violent youth and expand those services which are successful.

! Question: Please describe the programs the Judiciary currently operates which target "at risk" juveniles? Which programs are being considered for expansion?

3. Pending legislation (Assembly Bill No. 1137) would establish a Business Court as a court of limited jurisdiction very similar to the current Tax Court. The Business Court would have jurisdiction with respect to business and commercial disputes. The Business Court would also hear certain private actions authorized under federal law which, under federal regulations may be heard in State court.

! Question: Please discuss the pro's and con's regarding the creation of specialized courts. If the number of specialized courts grows, how would the Judiciary guard against fragmentation within the Superior Court?

4. The Intensive Supervision Program has been operating as an alternative to incarceration for selected State sentenced inmates for several years. Budget evaluation data indicates that in FY 1998, the actual revocation rate of participants was 25 percent of total. The FY1999, FY 2000 and the anticipated FY 2001 revocation rates are estimated to total, 34 percent, 32 percent and 32 percent, respectively. Similarly, the Juvenile Intensive Supervision Program's revocation rates total 25 percent, 42 percent, 40 percent and 40 percent in FY 1998, FY1999, FY 2000 and FY 2001.

! Question: Please discuss those aspects of the programs that are attributable to the projected increasing revocation rates of program participants.

5. The Judiciary continues to operate the Drug Court program, which is funded through federal funds as well as an \$800,000 appropriation to the Department of Corrections, for non-treatment related costs of drug courts such as drug assessment, testing, transportation and probation costs. Another \$4.125 million in the DOC's FY 2001 budget provides treatment for 200 participants in the program. In addition, the Judiciary is recommended to receive \$386,000 for the State assumption of federal funding for the Camden and Essex Vicinage Drug Court programs.

! Question: Which vicinages are currently operating drug courts? What is the total budget for these courts, including State and Federal funding? Is federal funding for each drug court limited to a specific number of years? How many clients does each court annually accommodate? What is the success rate of these courts? How is success measured? Which vicinages are in the planning stages of implementing drug courts? When is it expected that these courts will be operable?

Discussion Points (Cont'd)

6. During FY 2000, the Judiciary estimates that it collected \$736 million in child support payments for custodial parents, distributing 3.6 million checks. FY 2001 collections are projected to be \$780 million, with the distribution of 3.8 million checks.

! *Question:* What steps has the Judiciary taken to improve child support collections? Please provide information concerning the number of cases, total arrearage, and collection improvement efforts.

Background Paper: Judicial Vacancies

Budget Pages.... C-13; C-20; C-27; D-473 to D-481

The Judiciary has a total of 447 judicial positions. Of these, seven are Supreme Court justices, 12 are Tax Court judges, and 428 are Superior Court judges. According to the Administrative Office of the Courts (AOC), as of March 16, 2000, 28 of these positions were vacant. Another 12 judicial positions are expected to become vacant due to retirements by July 1, 2000. A total of 16 judicial retirements are expected by December 31, 2000. The AOC has stated that currently there are 2 nominations pending before the Senate Judiciary Committee for judicial vacancies, and it anticipates that the Governor will submit the names of an additional 24 judicial nominations to the Senate for consideration by July 1, 2000.

The FY 2001 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 through the nomination and confirmation process. The remaining vacancies are fully funded in anticipation of appointments to be made throughout the year.

A summary of the current and expected judicial vacancies within each vicinage as well as the number of potential and pending nominees per vicinage is listed in the following table:

Vicinage	Current Vacancies	Pending Vacancies through 12/31/00	Potential and Pending Nominations through 6/1/00
Atlantic/Cape May	1	0	1
Bergen	2	1	0
Burlington	1	1	1
Camden	4	0	5
Essex	6	5	6
Hudson	0	2	0
Mercer	2	1	3
Middlesex	1	2	0
Monmouth	1	0	0
Morris/Sussex	2	2	2
Passaic	5	1	4
Union	1	0	4
Somerset/Hunterdon /Warren	1	0	1
Ocean	0	0	0
Gloucester/ Cumberland/Salem	1	1	1
Total	28	16	28

Background Paper: Judicial Vacancies (Cont'd)

The current and pending level of judicial vacancies is driven by two factors:

- ! While members of the Judicial Retirement System are eligible for retirement at the age of 60, (N.J.S.A. 43:6A-9.2), very few judges do so. Part of the reason for this is because most judges are appointed to the bench later in life, and must work past the age of 60 to accrue enough years of service to become eligible for maximum retirement benefits. The Constitution provides that judges be required to retire upon the attainment of age 70. Because of this mandatory retirement provision, the AOC is able to project with some degree of accuracy future judicial retirements and pending vacancies.
- ! Recent legislation (P.L. 1999 c. 380) provides for the increase in the salaries of the Chief Justice, Superior Court Associate Justices, Superior Court Appellate Justices, Assignment Judges and Tax Court Judges over a three year period, beginning on January 1, 2000. These salaries were last increased in January, 1996. Under the statute, the salary of Superior Court Judges will increase from \$115,000 to \$141,000 by January 1, 2002. (See Program Description, page 4, for a table illustrating the judicial salary increases and effective dates.)

Under the Judicial Retirement system, judges may be eligible for up to 75 percent of their final salary, depending upon their age upon retirement and the number of years of service. Because of this, the recent judicial salary increase has had the effect of immediately boosting the potential retirement allowances of all of those sitting on the bench. This, in turn, may have the effect of encouraging those judges who have attained the age of 60, but not yet reached mandatory retirement age, to consider retirement.

In an effort to avoid court backlogs in vicinages which have judicial vacancies and to make certain that the court operations are not interrupted, the Judiciary operates the recall judge program. Under the program, retired judges are hired on a per diem basis to hear cases in understaffed vicinages until those particular seats on the bench are filled.

Currently, 53 retired justices serve in the recall judges program throughout the State. These judges serve in the Superior Court in both the Trial Court and Appellate Court divisions. They are paid \$300 per day up to a maximum compensation which, when added to their pension payment, equals the annual salary of a Superior Court judge. The service of these justices permits the court to continue operation while the vicinages await full time judicial placements.

OFFICE OF LEGISLATIVE SERVICES

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Individuals wishing information and committee schedules on the FY 2001 budget are encouraged to contact:

Legislative Budget and Finance Office
State House Annex
Room 140 PO Box 068
Trenton, NJ 08625

(609) 292-8030

Fax (609) 777-2442